





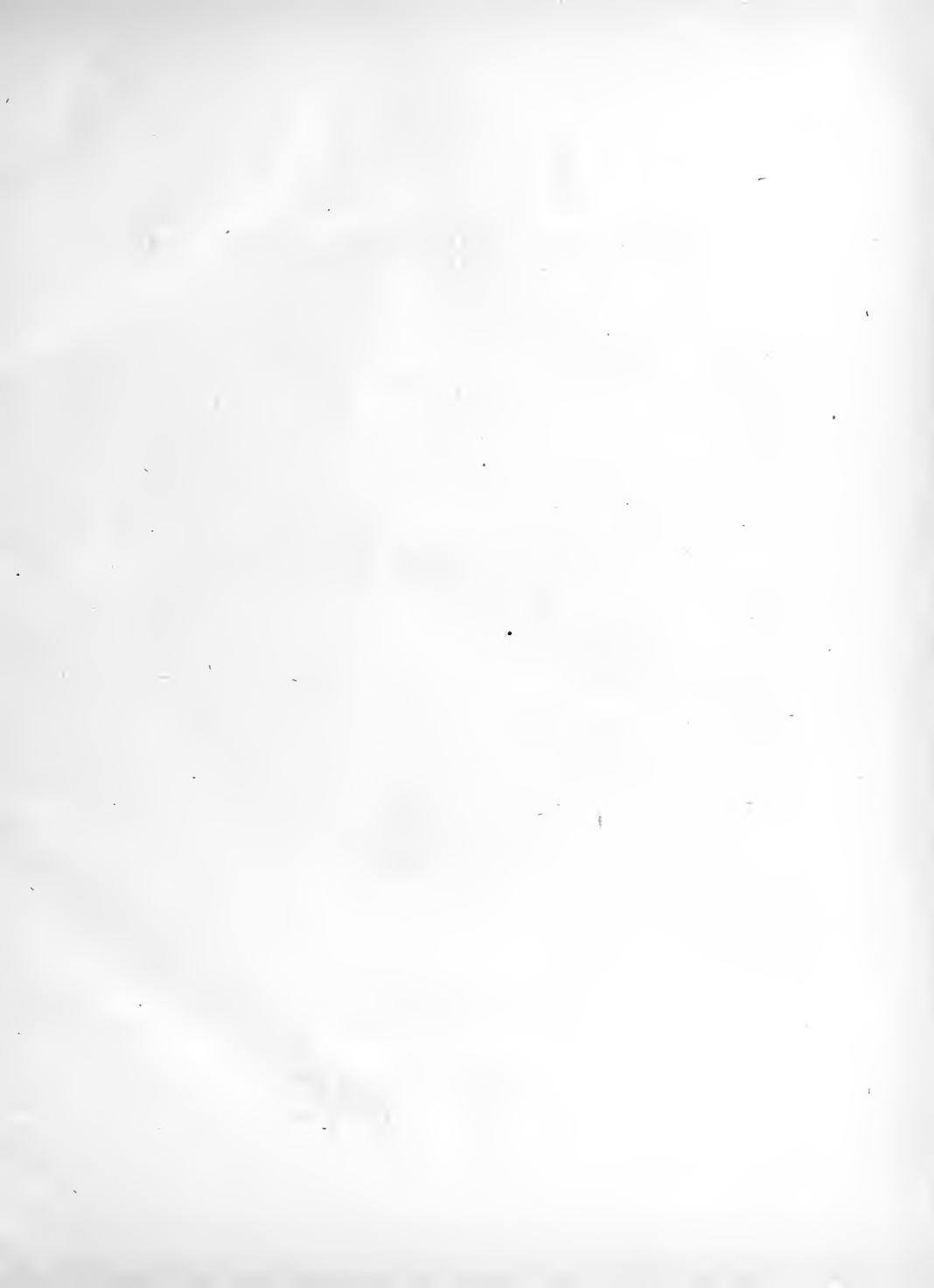




John Winthrop

"JOHN WINTHROP, GOVERNOR OF CONNECTICUT. BORN FEB. 12, 1606, IN GROTON, IN COUNTY OF SUFFOLK, ENGLAND.
DIED IN BOSTON, COLONY OF MASSACHUSETTS BAY, APRIL 5, 1676."

Copied from original portrait in the possession of Mr. Robert Winthrop of New York. See page 20



THE
BOUNDARY DISPUTES
OF
CONNECTICUT

BY
CLARENCE WINTHROP BOWEN

— "Sunt certi denique fines,
Quos ultra citraque nequit consistere rectum"



BOSTON
JAMES R. OSGOOD AND COMPANY
1882



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For suggestions offered and information received, the author wishes to express his warmest thanks to CHARLES J. HOADLEY, Librarian of the State of Connecticut; to DANIEL J. PRATT, Assistant Secretary of the Board of Regents of the University of the State of New York; to JOHN R. BARTLETT, Custodian of the John Carter Brown Library at Providence; and to WILLIAM HAYES WARD, D.D., of New York. He is also under obligations to Mr. ROBERT WINTHROP of New York, for permission to copy the original portrait of Governor John Winthrop.



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THE

BOUNDARY DISPUTES OF CONNECTICUT.

INTRODUCTION.

ONE would hardly suppose that the boundary lines of what is now called the State of Connecticut had been a subject of dispute for nearly two hundred and fifty years. Islands on the south have been claimed and reclaimed, only to be lost again. How the boundary on the east was ever fixed seems a puzzle, in the light of the bitter quarrels extending through several generations between the people of Connecticut and Rhode Island. The northern boundary of Connecticut was thought to be settled three or four times, but almost a hundred years passed before the question was finally determined. The western line, which at first extended to the Pacific Ocean, and the southern boundary were established at last about a year ago by Act of Congress. The State, too, has been subdivided, each portion claiming an independent jurisdiction of its own. The boundary lines have been in perpetual motion since the founding of the Colony, — a strange inconsistency for “the land of steady habits.” The indefiniteness of the lines during the early history of the Colony is well illustrated by the ridicule employed by Rufus Choate when he appeared before the Legislature of Massachusetts as counsel for the remonstrants against the boundary between Rhode Island and Massachusetts:—

“Why, gentlemen, the Commissioners might as well have decided that the line between the States was bounded on the north by a bramble-bush, on the south by a blue jay, on the west by a hive of bees in swarming-time, and on the east by five hundred foxes with fire-brands tied to their tails.”

A detailed account of the boundary disputes would crowd many folios. References to boundaries and jurisdiction fill a good share of the history of the Colonies and States, and especially is this true of the State of Connecticut. After so much vexation it is a source of congratulation that Connecticut possesses all the territory she now has.

PART I.

CLAIMS TO THE SOIL OF CONNECTICUT.

CHAPTER I.

HISTORICAL STATEMENT, AND THE CONTROVERSY WITH THE DUTCH.

ENGLAND and Holland at first claimed with equal urgency jurisdiction over the land now called Connecticut.* England's claim rested upon the discoveries of the Cabots in 1494 and 1497, and upon the discovery of portions of the New England Coast, including Cape Cod and Martha's Vineyard, in 1602 by Bartholomew Gosnold, an Englishman. Henry Hudson commissioned by the King of England was the first to see Long Island and the Hudson River in 1609,† and the following year he revisited the same in the employ of some Dutch merchants and afterwards sold his rights to the Dutch.

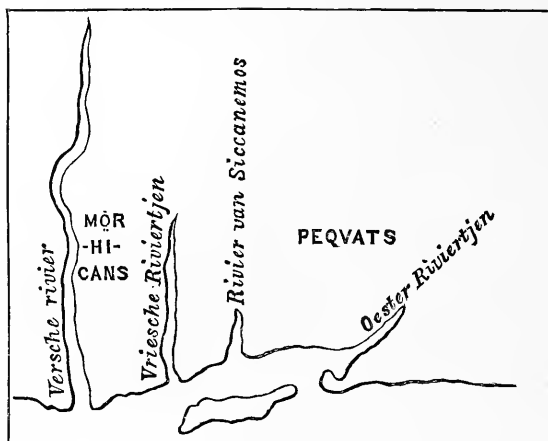
Upon the validity of this sale and upon the voyage which the Dutchman Adrian Block took in 1614 through Hell Gate, along the coast of Connecticut to Fisher's and Block Islands and Cape Cod, rested the claims of the Dutch to Connecticut. For some years the Dutch merchants visited the coast of Connecticut and traded with the Indians.‡ On account of the prior claim of the English, a protest was made against Hudson's sale to the Dutch. The sale conflicted, too, with the grant which James I. executed in 1606, of all the land from what is now the southernmost bounds of North Carolina to the Canada line, or from 34° to 45° north latitude, which was divided into two parts called Virginia and New England.

Virginia was given to the merchants of London, and New Eng-

* Trumbull's History of Connecticut; Hutchinson's History of Massachusetts; Palfrey's History of New England; Bancroft's History of the United States; Hollister's History of Connecticut; Brodhead's History of New York; Smith's History of New York; Daniel Neal's History of New England; Caulkins's History of New London; Dwight's History of Connecticut; Douglas's History of North America; etc.

† Such is the generally accepted fact. The claim that Giovanni da Verrazzano, a Florentine navigator, entered New York harbor in 1524, is disputed. See "Voyage of Verrazzano, a Chapter on the Early History of Maritime Discovery in America," by Henry C. Murphy. It is also claimed that the Dutch visited the harbor in 1598, and therefore saw the Hudson River at least eleven years before Hudson. See "The Discovery of the Hudson River," by Rev. B. F. De Costa, D.D.

‡ See Map I. of Connecticut in 1616, on next page.



DUTCH MAP OF CONNECTICUT IN 1616.

land, to the merchants of Plymouth. In the additional reasons of actual possession and purchase of the territory from the Indians also rested the rights of the English to the soil of Connecticut.

From 1607 to 1620, several feeble attempts were made by the English to settle New England, but the first permanent one was effected by the Pilgrims at Plymouth in 1620. The same year a patent was granted by the King for incorporating settlers in New England, under the name of the "Council of Plymouth for the affaires of New England," which conferred on the Council all land from 40° to 48°, or from the middle of the coast of New Jersey almost as far north as the mouth of the river St. Lawrence, and west to the Pacific Ocean. This grant was all important, for upon it depended the future grants in New England. In 1627 the land about Salem was sold by the Council of Plymouth to John Endicott and others, and included the land between three miles to the south of the southernmost point of the Charles River, and three miles to the north of the Merrimack River, and from sea to sea. This was the Massachusetts Patent, afterwards confirmed by Charles I; and the difficulty in

subsequently determining exactly where the southern boundary began was the cause of the long-contested dispute between Massachusetts and Connecticut. In 1631, Robert, Earl of Warwick, granted to Lord Say and Seal, Brooks, Sir Richard Saltonstall, and others, the territory between Narragansett River and southwest towards New York for a hundred and twenty miles and west to the Pacific Ocean, or, according to the words of President Clap of Yale College, "from Point Judith to New York and from thence a west line to the South Sea, and if we take Narragansett River in its whole length the tract will extend as far north as Worcester. It comprehends the whole of the Colony of Connecticut and much more." This was called the old patent of Connecticut and had been granted the previous year, 1630, by the Council of Plymouth to the Earl of Warwick. Yet before the English had planted settlements in Connecticut the Dutch had purchased of the Pequots land where Hartford now stands and erected a small trading fort called "The House of Good Hope." Governor Winthrop of Massachusetts protested against this settlement as conflicting with the rights of the English; yet, if he had acted upon the advice of a Connecticut Sachem who went to Boston for settlers, the claim of the Dutch to Hartford would have been anticipated. In 1633 William Holmes of Plymouth sailed up the Connecticut River, and, despite the protests of the Dutch at Hartford, continued eight miles farther, where he planted a building at Windsor, said to have been the first house erected in Connecticut.

In 1635, under authority of those who held the Connecticut Patent, a fort was erected at Saybrook; and about the same time settlements were made at Hartford, Windsor, Wethersfield, and Springfield by immigrants from Massachusetts Bay, to be followed in 1637 by the settlement at New Haven. The Dutch becoming alarmed tried to prevent the settlement at Saybrook, and also prohibited the English from trading at the House of Good Hope. The Connecticut towns held courts of their own, yet were supposed to be under the authority of Massachusetts; but finding themselves outside the charter of that Colony they established a local government. In fact there were two governments, — the Colony of Connecticut and the Colony of New

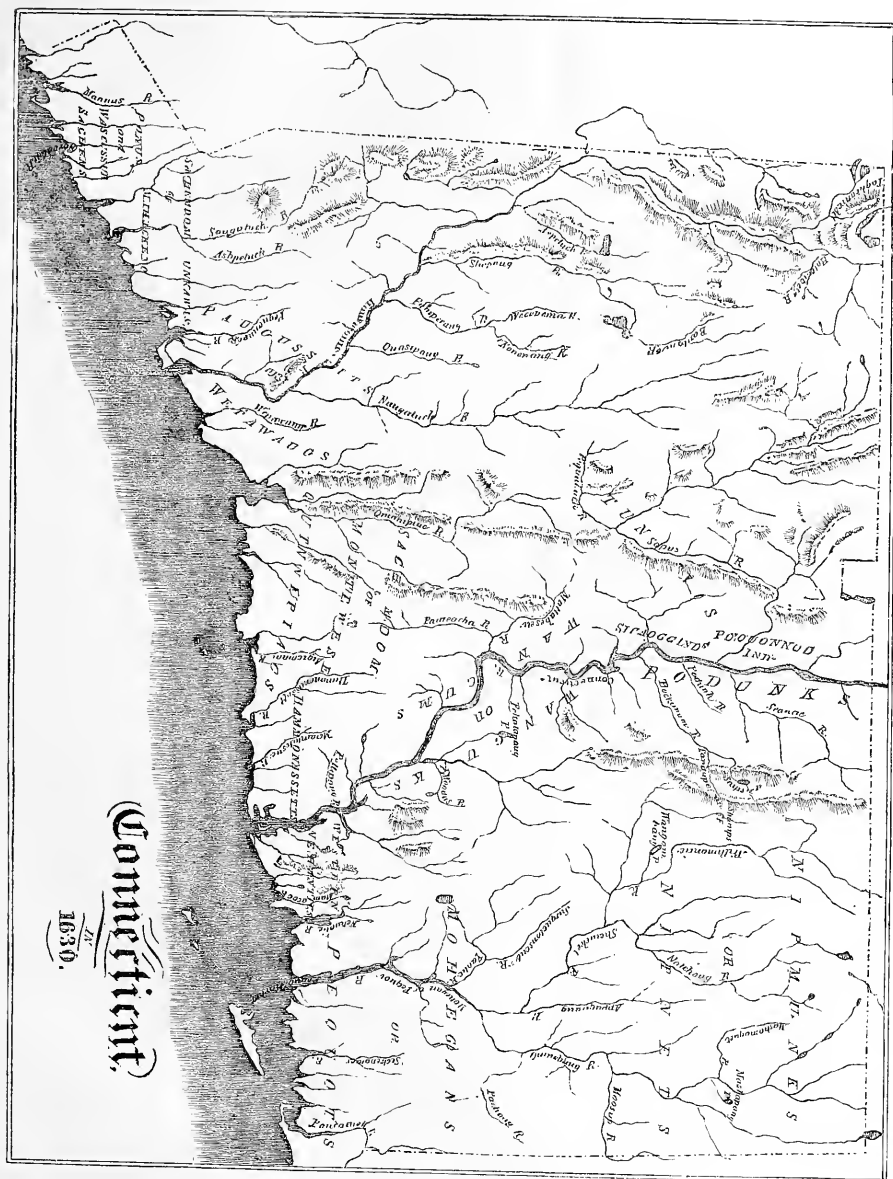
Haven. Springfield allied herself with Connecticut for two years, but being included within the chartered limits of Massachusetts she fell under the jurisdiction of that Colony. Her neglect to pay taxes for the support of the fort at the mouth of the Connecticut caused much hard feeling towards her among the other River towns. In her victory over the Pequot Indians, Connecticut gained actual possession of the territory of Eastern Connecticut,* and this right by conquest was soon followed by the chartered right from the Council of Plymouth; for in 1644 the River towns purchased for £ 1,600 the old Connecticut Patent from Colonel George Fenwick at Saybrook, and thus assumed jurisdiction over the territory included in that important grant. If Fenwick had sold his patent to the Dutch, as he threatened to do, the whole history of Connecticut might have been changed. On account of outside dangers, an attempt was made about this time to form a union between the governments of Massachusetts and Connecticut; but the dispute over the jurisdiction of Springfield and Westfield somewhat delayed the project. At a meeting of the Commissioners of the United Colonies held at Hartford, Sept. 5, 1644, the claim of Massachusetts to the above-named towns was sustained; but by a still later decision Springfield was required to pay to Connecticut the impost tax before alluded to. In the following year, 1645, Connecticut thought of uniting with New Haven to solicit a charter from the King; but owing to the rebellion in England the question rested until after the Restoration. The claim of the Dutch to the coast of Connecticut was raised in 1646 by Governor Kieft, who wrote to Governor Eaton of New Haven threatening war if Connecticut did not respect Dutch rights. The offer to settle the dispute by arbitration was refused by the Dutch Governor, and the territorial claims of Connecticut and the fact that the Dutch traders at Hartford were in arrears to citizens of Connecticut were contemptuously denied. Another annoyance to Connecticut was John Winthrop's claim to the country of the Western Nehantics.† But this claim conflicted with the Colony

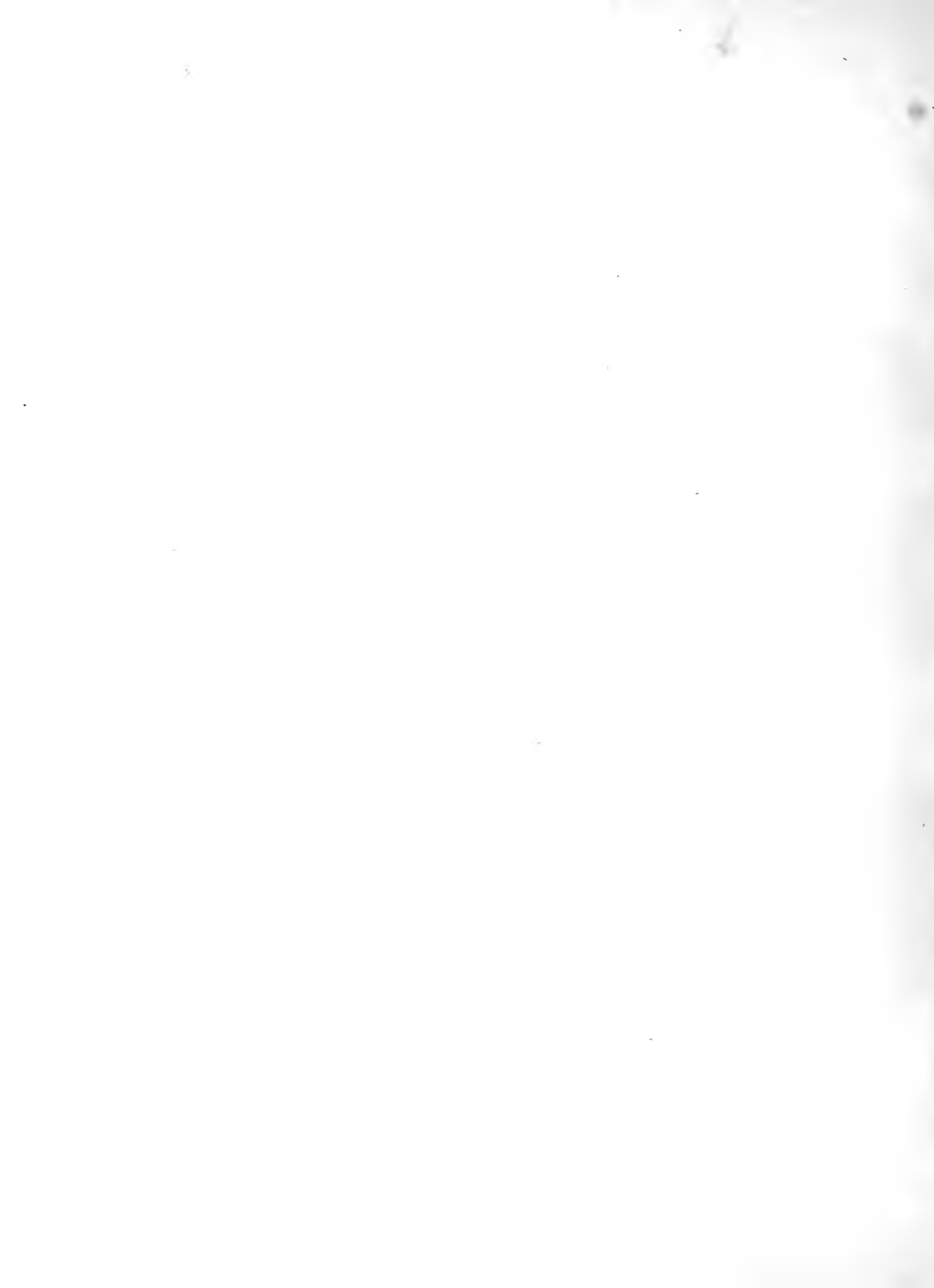
* See Map II., page 16. Copied, by permission, from John W. DeForest's History of the Indians of Connecticut.

† See Map II., page 16.

Connecticut

1830.

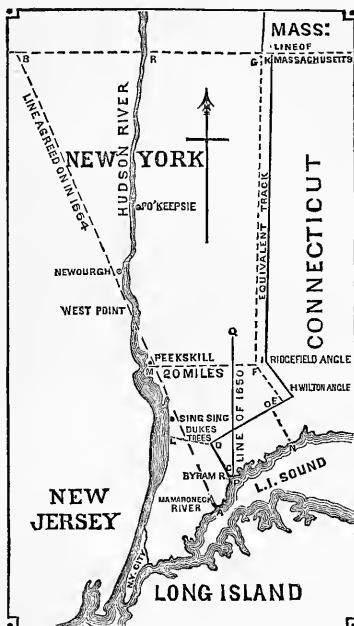




Patent and was not pressed. Winthrop was also warned against making a contemplated purchase of Long Island, as that also would interfere with Connecticut's jurisdiction. The troubles with the Dutch continued until a provisional treaty was made at Hartford in 1650, between the Colony and Peter Stuyvesant, Governor General of New Netherland. The Dutch Governor claimed all the lands on the Connecticut River by right of purchase from Indians, and Connecticut appealed to her right by possession, purchase, and discovery. The settlement, September 19, 1650, was left to Commissioners, who agreed:—

"Firstly, that upon Long Island a line run from the westernmost part of Oyster Bay; so, and in a straight and direct line to the sea, shall be the bounds betwixt the English and Dutch there; the easterly part to belong to the English, the westernmost part to the Dutch.

"Secondly, the bounds upon the main to begin at the west side of Greenwich Bay, being about four miles from Stamford, and so to run a northerly line* twenty miles up into the country, and after as it shall be agreed by the two governments of the Dutch and of New Haven, provided the said line come not within ten miles of Hudson River, and it is



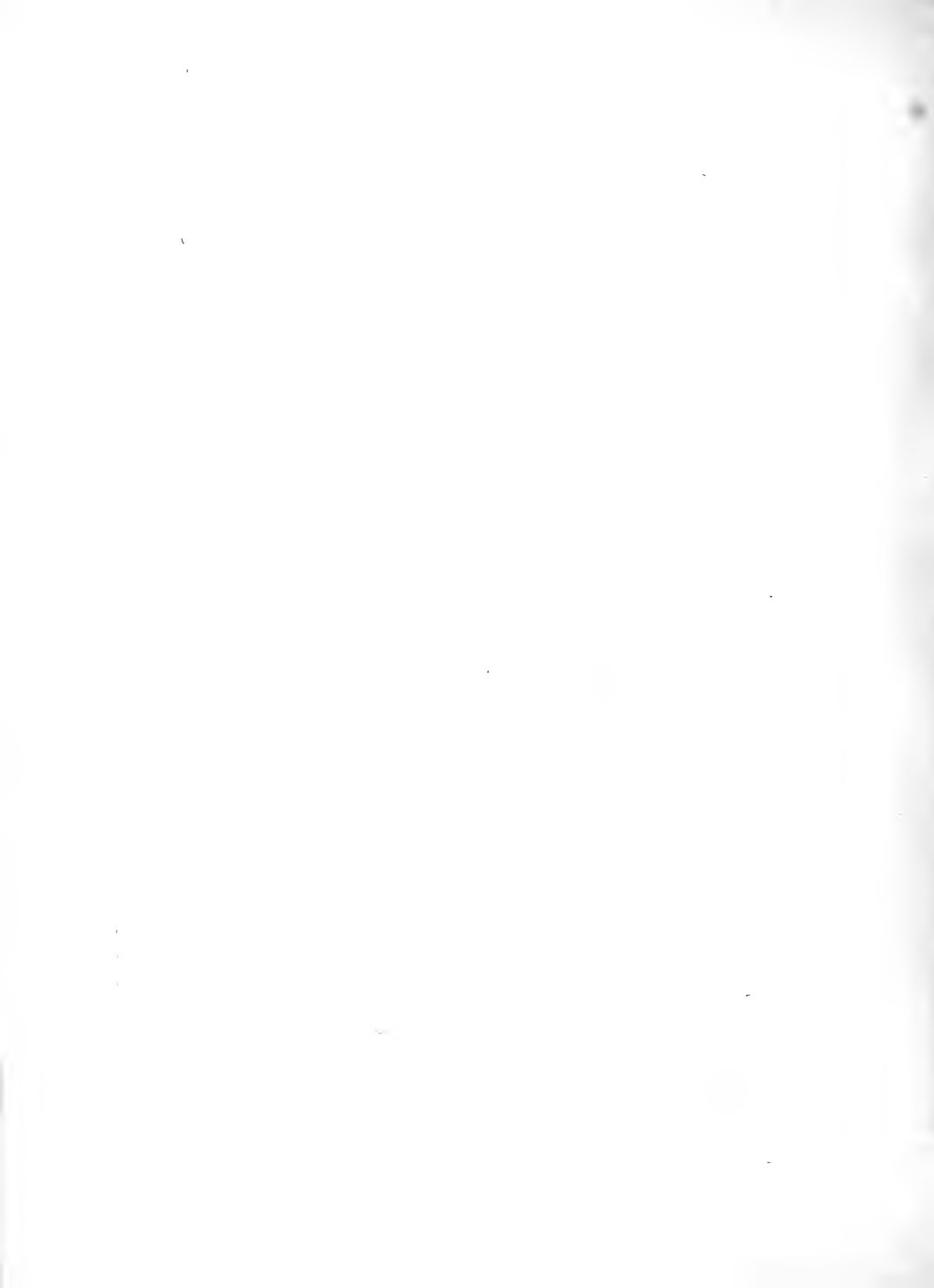
THE DIFFERENT BOUNDARY LINES BETWEEN CONNECTICUT AND NEW YORK.

* See Map III., "Line of 1650," on this page. This map is copied, by permission, from Rev. Charles W. Baird's History of Rye, p. 105.

agreed that the Dutch shall not at any time hereafter build any house or habitation within six miles of the said line. The inhabitants of Greenwich to remain, till further consideration thereof be had, under the government of the Dutch.

“Thirdly, that the Dutch shall hold and enjoy all the lands in Hartford that they are actually possessed of, known or set out by certain marks and bounds, and all the remainder of the said land on both sides of Connecticut River to be and remain to the English there.”

Before the treaty was ratified between the parent States in Europe, a war broke out between England and Holland, and the treaty never went into effect.



CHAPTER II.

THE WOODWARD AND SAFFERY SURVEY OF 1642, AND THE NECESSITY FOR A COLONIAL CHARTER.

WHILE Connecticut's quarrels with the Dutch were progressing, a controversy equally bitter had arisen with the Massachusetts people on the north. Beginning with the impost which the towns down the river demanded of Springfield for the support of the fort at Saybrook, the question soon covered the jurisdiction of some disputed territory. Massachusetts had caused in 1642 the Colony line to be surveyed by Nathaniel Woodward and Solomon Saffery, said to have been "obscure sailors," and sarcastically called "the mathematicians." They started the line* from the point they thought was three miles to the south of the southernmost point on the Charles River; and instead of extending the survey across the country they sailed round Cape Cod and up the Connecticut to the place they supposed was in the same degree of latitude with the starting-point, but which was in fact seven or eight miles to the south of it. What therefore Massachusetts meant by calling these surveyors "skillful artists" seems a matter of conjecture. Connecticut protested against the line as run, and at the meeting of the Commissioners, 1649, of the United Colonies refused to consider the boundary as settled. She thought that according to the limits of the old patent Springfield should be subject to her authority. As the boundary disputes began to thicken, Connecticut wished to secure a charter with clearly defined bounda-

* See Map IV., page 19. This Map is copied without reduction from an old parchment copy in the Massachusetts Archives, vol. iii. p. 1. The only other copy of the survey is a small photolithographic impression in the "Historical Collections" of Holmes Ammidown: vol. i. p. 294.

ries, but the time did not arrive until Charles II. became King. In 1661, Connecticut declared her allegiance to the King, voted £500 for securing a Charter, and appointed John Winthrop to go to London as agent to secure the same. Winthrop was favorably received in England; and on April 23, 1662, was granted to the colony of Connecticut her royal charter, which included the land "bounded on the east by the Narragansett River commonly called Narragansett Bay and on the north by the line of the Massachusetts plantation and on the south by the sea," and so west to the South Sea or Pacific Ocean with the adjoining islands. Full power of government was likewise granted, and thus Connecticut secured the document she had so long coveted and now so highly prized.

To Winthrop more than to any one else was Connecticut under obligations. Had it not been for the marked favor* with which he was regarded in England it is doubtful if the colony could have obtained a charter with such liberal provisions. As the first Governor under the new charter he proved an invaluable friend to the colony. His services will never be forgotten.†

Explicit as were the terms of the Charter and supreme as was the authority that conferred it, it was nevertheless claimed that it conflicted with several previous grants. Regarding these intra-territorial controversies a few words should be said.

* The story is told that when Winthrop returned to Charles II, the ring given by Charles I. to Winthrop's grandfather the heart of the Sovereign was touched and the charter at once granted.

† See frontispiece.

CHAPTER III.

THE DUKE OF HAMILTON'S CLAIM.

THE terms of the old Patents of Massachusetts and Connecticut as granted by the Council of Plymouth were sufficiently distinct, yet the Council made other confusing grants. In fact some of the territory was granted twice and thrice over. Before surrendering their patent to the Crown, the Lords composing the Council of Plymouth determined to divide the sea-coast of New England* among themselves. There were eight grants,† and the partition was made on the third of February, 1635, so as to absorb nearly all the previous grants, including the old Patent of Connecticut. But the first settlers of Connecticut were never troubled by any claims which the Duke of Lennox, or the Earl of Carlisle, or Edward Lord Gorges made to their lands. The grant to the Marquis of Hamilton,‡ however, afterwards occasioned much solicitude to the Colony. On the twenty-second of April, 1635, the deed from the Council of Plymouth to the Marquis of Hamilton was dated, and included that portion of territory beginning at the "entrance of the River of Connecticut and from thence to proceed along the sea-coast to the Narragansett River or Harbours, to be accounted about sixty miles, and so up to the western arm of that River to the head thereof, and into the land

* See Map V., page 22. Fac-simile of pen and ink sketch by President Ezra Stiles preserved among his manuscripts in library of Yale College.

† President Stiles's MSS. in Yale College Library, entitled: "The right of the Crown of Great Britain to lands in America and the assignments therefore," March 31, 1762; and "History of Grants under the Great Council for New England," by Samuel F. Haven, A.M.: Lowell Institute Lectures, January 15, 1869; and Bancroft's *History of the U. S.*, i. 408.

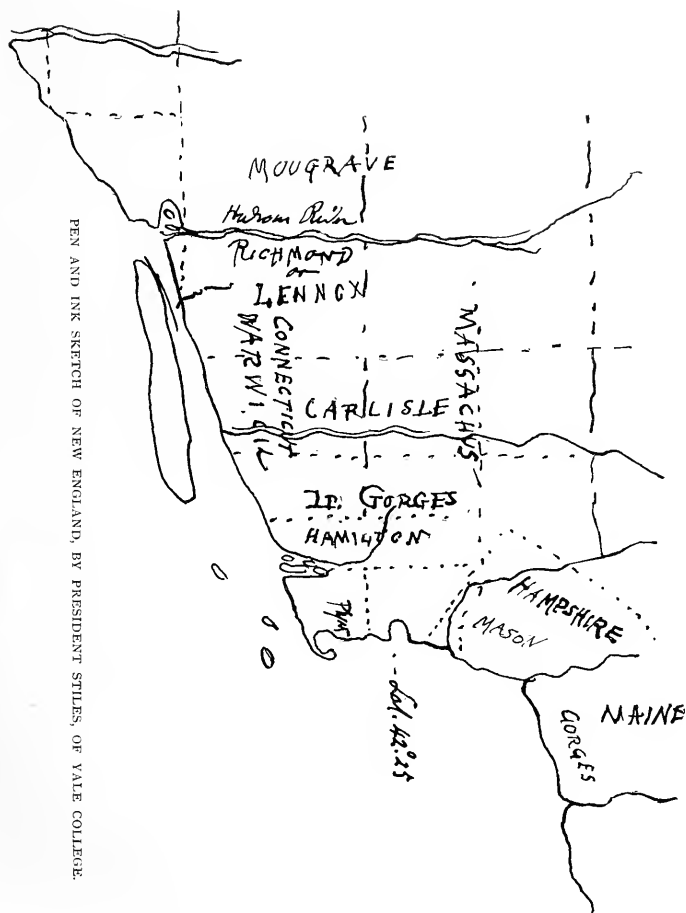
‡ This was the Marquis of Hamilton, who was sent with troops by Charles I. to Germany in 1631 to help Gustavus Adolphus in the Thirty Years' War. Ranke's *History of England*, vol. ii. 15.

northwestwards till sixty miles be finished, and so to cross our land southwestwards to meet with the end of sixty miles to be accounted from the mouth of Connecticut up northwest, . . . to be called by the name of the County of New Cambridge.* This claim, as the Commissioners of the United Colonies say in a letter to Connecticut,† was a "grant of sixty miles square on the eastern side of Connecticut River." Seven weeks after the above deed was signed, the Council of Plymouth went out of existence. In the following year (1636) the Marquis sent over an agent to survey the country; but the civil war in England and the death of Hamilton prevented a settlement. The claim was revived, however, when the Royal Charter was given to Connecticut. In 1664 his wife, now made the Duchess of Hamilton, petitioned the King, asserting that the Charter of 1662 conflicted with the Hamilton grant of 1635. The petition was referred to the Commissioners for settling the affairs of New England, and in 1665 the claim was denied. Again, in 1683, the Hamilton title to Eastern Connecticut was considered by the Royal Commissioners who met at Boston. Edward Randolph, having received power of attorney from the heirs of the Marquis of Hamilton, claimed the title to the Narragansett country on account of the deed of 1635. But the Colony of Connecticut replied, doubting if the deed were ever ratified or sealed by the Council of Plymouth, but even if it were the deed was of little value, as it was dated just before the dissolution of the Council. Moreover the Duke had neglected to propagate the gospel, plant colonies and take possession of the territory granted him according to the terms of the King's Charter to the Council of Plymouth, and therefore the deed was void. Connecticut had engaged in the Pequot war without help from the Duke; and, if the title were good in 1635, it failed by the Statute of Limitations, as for twenty years the title was not claimed. Such was the reply made by Connecticut. The proprietors of the Narragansett country likewise sent in a claim, and all

* Copied from MSS. in the John Carter Brown Library at Providence. Original deed in State Paper Office, London.

† Dated March 25, 1665.

PEN AND INK SKETCH OF NEW ENGLAND, BY PRESIDENT STILES, OF YALE COLLEGE.





the papers pertaining to the controversy were sent by the Royal Commissioners to London for the decision of the King. Though the claim was again renewed, it was never prosecuted. It was referred in 1696 by the Privy Council to the law officers of the Crown, and Sir Francis Pemberton and others were of the opinion that the title was not good. Yet the Duchess of Hamilton again asked the King that she might have jurisdiction over her territory, and that the inhabitants might pay her such quit-rents for her lands as might be thought fit. This last petition was referred to the Council of Trade, April 22, 1697; and much to the relief of the Colony of Connecticut the case was definitely decided against the claimants, and the title became obsolete.

CHAPTER IV.

THE CONTROVERSY WITH NEW HAVEN.

ANOTHER dispute that Connecticut had on the receipt of the Charter was with the Colony of New Haven.* The New Haven people had a government of their own, and did not wish Connecticut to have jurisdiction over them, as was now her legal right according to the terms of her new Charter. From 1662 to 1665 letters passed back and forth, and there seemed no way out of the dead-lock, so determined was New Haven to keep its government. Southold on Long Island, and Guilford, Stamford, and Greenwich, which had been under the New Haven jurisdiction, yielded to Connecticut, and on the arrival of the English, who came to claim the vast possessions of the Duke of York, including all of the so-called New Haven territory, New Haven quickly joined the Connecticut Colony; and thus was happily ended a controversy that seemed most seriously to threaten the chartered boundaries of Connecticut.

* Atwater's History of the Colony of New Haven and New Haven Records.

CHAPTER V.

THE MOHEGAN CLAIM.

A THIRD intra-territorial dispute that years after threatened the chartered rights of the Colony was the claim of the Mohegan Indians * to the jurisdiction of a portion of Connecticut. It seems that as far back as 1640 John Mason, the Deputy-Governor, was commissioned by the Colony to purchase the Mohegan lands,† which included the old Pequot country and (dependent upon which by right of conquest) the Wabbaquassett or Nipmunk country on the north. The jurisdictional power which Uncas, Sachem of the Mohegans, granted to Mason, in 1659, was by Mason surrendered to the Colony in 1660. Yet from an informality in the deed and the illegality of the surrender to the Colony the celebrated Mason or Mohegan case arose. The heirs of Mason admitted that the right of jurisdiction, but not the right to property, was surrendered. In consideration of services rendered the Indians by Mason, his heirs now claimed this Indian territory. The case was tried before Governor Dudley in 1705, but as the rights conferred by the Royal Charter were indirectly questioned, the colony protested. The court, however, proceeded *ex parte*, and decided against Connecticut. A map of the Mohegan country ‡ produced at this court shows that the boundary began at a rock in the Connecticut River in Lyme, thence to a pond in the

* DeForest's "History of the Indians in Connecticut," "Connecticut and the Mohegan Indians," London, 1769; Beardsley's Life of William Samuel Johnson; Trumbull's History of Connecticut.

† See Map II., p. 16.

‡ See Map VI., p. 26. Fac-simile of original map published in London in 1709, and copied from book entitled "Connecticut and Mohegan Indians" in State Library of Connecticut.

northeastern part of Stonington, thence northeast to Mahmunsqueeg in the Whetstone country near the centre of the present town of Killingly, thence southwest a few miles to the falls of the Quinebaug River at what is now known as the borough of Danielsonville, thence a little north of west through Pomfret, Ashford, Willington, Tolland to Bolton Notch, and thence southerly through Bolton, Hebron, East Haddam to the Connecticut River; or, more concisely, the Mohegan country included the northern two-thirds of New London and the southern two-thirds of Windham Counties. After this adverse decision, Connecticut forwarded the true circumstances of the case to her agent in London, the honored Sir Henry Ashurst, who petitioned her Majesty Queen Anne. A commission of review was appointed, and the affair was kept in agitation down to the days of the Revolution, and had that war never occurred the celebrated Mohegan case might have appeared in some form in our own century. That the Indians had a good right to their own territory cannot be denied; but it must be said that the heirs of Mason in contesting the rights of the colony were acting from selfish and not, as they claimed, philanthropic motives. The case was several times decided in favor of the colony, but was appealed to the Crown by the Mason heirs. In 1767 William Samuel Johnson went to London as agent of the colony, and the final hearing of the case was on the eleventh of June, 1771.



CHAPTER VI.

THE CONTROVERSY CONCERNING LONG ISLAND.

IN returning to the year 1662, it should be noticed that the boundary quarrels broke out afresh when the Charter was granted.*

Long Island was now the southern boundary of Connecticut. In 1635 Charles I. granted a patent to the Earl of Stirling for Long Island, and for some years the island was named after Lord Stirling. The towns on the western end were Dutch, while the towns in the centre and eastern part of the island were settled by the English. Southampton in 1644, Easthampton in 1657, Brookhaven in 1659, Huntington in 1660, and Oyster Bay in 1662, were settled under the patent of the Earl of Stirling. Being troubled by the Dutch and Indians, these towns sought the jurisdiction of Connecticut. By the Dutch treaty of 1650, it was seen that the old Connecticut line on Long Island was the present boundary between Queens and Suffolk Counties. When the charter was granted most of these towns renewed their allegiance to Connecticut and sent deputies to Hartford, and in the following year the towns on the west end of Long Island likewise asked to belong to the Colony. As the charter included all islands, the request was granted; and in the spring of 1664 all of Long Island was claimed by Connecticut, and officers were appointed at Hempstead, Jamaica, Newtown, Oyster Bay, Flushing, and the other towns at the western extremity of the island. But that very year the Duke of York purchased the patent of the Earl of Stirling, and laid

* Thompson's History of Long Island and Histories of New York, before mentioned; also Colonial Records of Connecticut.

claim to the entire island according to the terms of his new patent. Though Connecticut had an undoubted right to Long Island, and should have held it to this day, she was forced to forego all claims to it that she might hold her other possessions, which the Royal Duke was likewise threatening. Ten years later, however, when the Dutch again took possession of New York, Long Island asked to become a part of Connecticut, and the petition was granted. Captain Anthony Clove, the Dutch Governor, requested the towns on the eastern part of the Island to submit to him, which they refused to do. When threatened by a naval force, they sent delegates to Connecticut, and help was promised; but when in the following year (1675) the English recaptured New York, Long Island was lost to Connecticut forever.

PART II.

CONNECTICUT'S BOUNDARY DISPUTES WITH
RHODE ISLAND.



CHAPTER I.

THE CLAIMS OF CONNECTICUT AND MASSACHUSETTS TO THE TERRITORY OF RHODE ISLAND.

THE interminable disputes between Connecticut and Rhode Island with reference to the eastern boundary of Connecticut* should now be considered. Massachusetts, Rhode Island, and Connecticut, all contended for the territory through which the present eastern line of Connecticut runs. The claim of Massachusetts rested on the fact that she had rendered material assistance to Connecticut in the extermination of the Pequots in 1638. As a result of the Pequot war, Massachusetts demanded in 1644 a portion of the Pequot country, and wished Connecticut to make a division of the territory with her; and when, a few years later, the Parliamentary Charter was granted to Rhode Island, Massachusetts was more anxious than ever to extend her government into the Pequot and Narragansett-countries. In 1649 William Cheseborough settled somewhere between the Mystic and Pawcatuck Rivers under the sanction of Massachusetts, and about the same time and place Thomas Stanton likewise settled. As a citizen of Massachusetts, Cheseborough denied the right of authority to a constable from Connecticut. In the following year, 1650, Captain Atherton of Massachusetts made a visit to the Narragansett country, and demanded of the Indians the customary payment of wampum. But Massachusetts really had no valid claim to the Narragansett country, as it was without her chartered limits and as it conflicted with the first Charter of Rhode Island. Roger Williams in a letter

* Colonial Records of Connecticut, Rhode Island and Massachusetts; Arnold's History of Rhode Island; Colonial Boundaries of Connecticut: Hartford MSS., vol. i., etc.

which he wrote some years after to Major Mason stated that when he went to England to get Rhode Island's first Charter he conscientiously believed that Rhode Island's west line began at the Pawcatuck River, and that Massachusetts could have no jurisdiction east of it on account of her Pequot war claim, because the Pequots lived west of the Pawcatuck River. But the tract between the Mystic and Pawcatuck Rivers continued to be claimed by Massachusetts and Connecticut, and an agreement did not take place until September 18, 1658, when the Federal Commissioners decided that the Mystic River was the true boundary between Massachusetts and Connecticut, all the territory on the east side to be under Massachusetts and on the west side to Connecticut. Thus Pawcatuck became a Massachusetts town, and was called Southernton, which name was in a few years changed to Stonington.

While Massachusetts held jurisdiction over this part of Connecticut, some Rhode Islanders came here to settle, and bought their lands of the Indians; but their title, of course, was not good, and two of the settlers were arrested by order of John Endicott, Governor of Massachusetts, and letters were sent from Boston to Rhode Island reiterating the rights of Massachusetts. But when Connecticut received her Charter in 1662, she set aside the agreement of 1658, and ordered the inhabitants of Mystic and Stonington to refuse to acknowledge the authority of Massachusetts and Rhode Island. Massachusetts at first objected to being ousted by Connecticut, but was willing to leave the dispute to arbitration, according to the instructions of His Majesty King Charles. But nothing came of this. While the Colonies were trying to settle the controversy, the Commissioners of the King stepped in, March 20, 1665, and took away the disputed territory, calling it "King's Province." The Pawcatuck River was declared to be the western boundary; and the Atherton Company, a party of Massachusetts gentlemen who owned a slice of territory here, were told to relinquish their lands. Yet Connecticut immediately claimed not only the disputed tract, but all the land to the Narragansett Bay; according to the explicit terms of the Charter. Fifteen months after the Charter had received the Royal Seal, a second Charter was likewise granted

to Rhode Island. As both Charters embraced the Narragansett country, they of course clashed. It seems that Dr. John Clarke, the agent of Rhode Island who went to London to procure her Charter, had made an arrangement with Connecticut's agent, John Winthrop, whereby the jurisdiction of the Narragansett country was changed. Winthrop and Clarke left their differences to be decided by arbitrators in London, who agreed that Pawcatuck River should be the boundary line between Rhode Island and Connecticut, that the Quinebaug purchase should belong to Connecticut, that the people on the Atherton purchase should choose to which Colony they should belong, and that the right to property should not be altered. In accordance with this agreement, the Charter of Rhode Island contained these words:—

"Any graunt or clause in a late graunt to the Governor and Company of Connecticut Colony in America to the contrary thereof in any way notwithstanding; the Pawcatuck River having byn yielded after much debate for the fixed and certain bounds between these our sayd colonies by the agents thereof, who have alsoe agreed that the sayd Pawcatuck river shall bee alsoe called alias Narragansett river, and to prevent other disputes that otherwise might arise thereby, forever hereafter shall be construed, deemed and taken to be the Narragansett River in our late graunt to Connecticut colony mentioned as the easterly bounds of that colony."*

But the above agreement was repudiated by the Colony of Connecticut, which said that Winthrop's instructions had been to procure the Charter, and having done that his authority ended. Any subsequent action of his was therefore void. Yet the Atherton Company, before referred to, who had settled on the West of the Narragansett Bay, had expressed a willingness to be subject to the jurisdiction of Connecticut when it was first asserted that Winthrop had gone abroad to secure a Charter, and subsequently, according to the terms of the Winthrop-Clarke agreement, this Company formally allied itself to Connecticut. Connecticut at once, July 10, 1663, called Narragansett Wickford, and appointed town officers; and the people of Wickford replied, July 17, by asking Connecticut for the usual privileges of new

* Colonial Boundaries of Connecticut, Hartford MSS.

plantations. This claim of Connecticut to the Narragansett country was called by Rhode Island "a legalized robbery," and had been "procured by an underhand dealing." The Governor of Rhode Island wrote, March 10, 1664, to the Governor of Connecticut about the above aggressions, and proposed that the line between the Colonies be run. The same month, March 25, the Wickford people complained of encroachments from Rhode Island, and Connecticut at once gave them magisterial powers. Yet Rhode Island persisted in making arrests in Wickford, and, May 4, summoned one Richard Smith to answer certain charges. Smith wrote, May 14, to Captain Hutchinson in Boston on the subject, and Hutchinson in turn wrote, May 20, to Governor Winthrop for advice and direction. Within a few months the Rhode Island Governor again wrote, July 8, to Connecticut, and asked for an answer to his last letter, at the same time asserting jurisdiction over the Narragansett country, and saying that warrants had been issued to arrest those exercising authority in the disputed country under Connecticut. At the same time, July 12, was received another letter from Boston from Captain Hutchinson, Richard Smith, and a Mr. Hudson, detailing the resistance of authority and conflicts with Rhode Island, and asking that some one might be sent by Connecticut to the disputed country to demand what was included in the patent.

These communications no doubt induced Connecticut, July 20, 1664, to answer Rhode Island, suggesting the appointment of Commissioners by each Colony before running the boundary, and desiring Rhode Island to refrain from all jurisdiction in the Narragansett country. The Commissioners of the United Colonies who met at Hartford on September 9, sustained the claims of Connecticut and requested Rhode Island to come to some settlement. The next month Commissioners were appointed by each Colony with full powers to settle the boundary disputes, and Pawcatuck was suggested as the place of meeting; but no agreement was concluded. The following year Governor Winthrop, Major Mason, Samuel Willis and Captain John Winthrop were empowered by Connecticut to meet his Majesty's Commissioners to discuss the boundary question. The common arguments* used

* Arguments, October, 1666, by Mr. Harris. Colonial Boundaries, Hartford MSS., vol. i.

against Rhode Island were that Connecticut's boundary extended to Narragansett Bay according to the terms of the Patent, and that Rhode Island's claim only rested upon the agreement between Winthrop and Clarke; but Connecticut held that Winthrop was not appointed to arbitrate away what was included in the Patent, and therefore that the said agreement was void, and that the Pawcatuck River could not be the Narragansett Bay, and had never been so named until the London arbitration; and moreover the Narragansett River ran by Providence and not by Stonington. In 1667 some Rhode Islanders tore down the houses of Indians who refused to pay rent, and who thereupon sought the protection of Connecticut. In the following year, May, 1668, Wickford and Stonington again applied to Connecticut for help against the aggressions of Rhode Island, and received in return, March 9, 1669, a promise that something would soon be done for them. Connecticut now appointed two Commissioners, May 14, 1668, to demand her proper chartered rights of Rhode Island. They wrote, June 3, claiming that Connecticut people were molested, that Connecticut had a right to all the lands included in her Charter, that measures would be taken to defend these rights, and that a specific answer should be returned. Rhode Island replied, August 20, that though the disputed territory was likewise included in her own Charter she was willing to leave the result to a legal tribunal; and, secondly, that His Majesty's Commissioners had determined in 1662 that the boundary should be the Pawcatuck River and from thence a due north line to Massachusetts,—which conclusion she dared not now neglect. Connecticut made a concession, October, 1668, by proposing to draw up a mutual treaty with Rhode Island, which proposition was accepted, May 14, 1669, but not carried out. At the same time claims and counter-claims were made by each Colony. Connecticut ordered the Rhode Islanders in Westerly not to trespass upon Stonington.

On the eleventh day of April, 1670, Harvard College and a company of gentlemen represented by Daniel Gookin of Cambridge sent a petition to Connecticut, asking for protection in the possession of their lands on the east side of the Pawcatuck River, and complaining of the annoyance given them by John Randall and other citizens of Westerly.

They asserted that the lands in question belonged to Connecticut and Massachusetts as a result of the Pequot conquest, and, by the agreement of September 16, 1658, had been given to Massachusetts; that the Indian proprietors had consented to the deed of sale; and that possession was taken in 1658, 1659, and 1660. The petition further complained of the trespasses, and demanded justice and a confirmation of the title to the lands from Connecticut. This same month these Massachusetts gentlemen who had lands in the Narragansett country again wrote* to Connecticut for protection, and Stonington also asked a hearing. Anxious to settle the controversy, Connecticut proposed a conference May 12, 1670, to be held at New London, to which Rhode Island agreed. Three Commissioners were appointed by each State. The firm ground upon which Connecticut stood was somewhat shaken by the position of Winthrop. On account of his agreement with Clarke in London, he now said, May 17, that he could not as Governor of Connecticut consistently exercise jurisdiction east of the Pawcatuck River until His Majesty's pleasure was known. But the Colony held that Winthrop's action was not legally binding, and so the meeting was held in New London on the fourteenth of June, 1670. The proceedings were conducted in writing. The exact meaning of the Narragansett River was discussed. Connecticut claimed Westerly on account of the priority of her old Patent. Rhode Island wished to run the boundary from the Pawcatuck River as her own Charter indicated. Otherwise she threatened to appeal to the King. Each State demanded that the other should withdraw from the Narragansett country. With such widely different views it was no wonder that the conference broke up in two days.

Perhaps it might here be stated that John Richards, the Treasurer of Harvard College, made a declaration, June 21, 1670, to the Connecticut Commissioners at New London, that Stephen Wilcox had taken possession of the five hundred acres of land in Wickford belonging to the College.

* Dated, Boston, April 25, 1670.

CHAPTER II.

DISTURBANCES AND DISPUTES UP TO 1685.

AFTER the New London Conference the contention broke out afresh. Governor Benedict Arnold, July 11, 1670, forbade Governor Winthrop to extend the authority of Connecticut over the disputed territory, and demanded the delivery of John Carr, a notorious villain. Rhode Island, too, made encroachments. She also gave refuge to a murderer, and imprisoned a constable from Connecticut. Connecticut in return resolved to arrest any one exercising authority under appointment of Rhode Island in the Narragansett country. The Lieutenant-Governor of Connecticut, John Mason, tried* to dissuade the colony from committing any violence at this time against Rhode Island, and urged a peaceful solution of the controversy; and Rhode Island a little later, October 15, 1670, sent a letter explaining the great trouble and expense of appealing to the King as she had threatened to do at the New London Conference, and urging that new efforts be made for a mutual treaty. Connecticut accepted, October 18, the proposals, but with certain conditions, among which was that the Commissioners should have full powers. Rhode Island again wrote, May 6, 1671, and referred to her proposed appeal to the King, and Connecticut at once, May 17, appointed Commissioners to meet the Rhode Island Commissioners. But a settlement seemed distant in view of continued disturbances. A constable and a posse of fifty men† from Stonington had just broken up a Court which Rhode

* Letter to Connecticut, dated August 3, 1670.

† Letter of Thomas Minor *et al.* to Connecticut, May 17, 1671: Colonial Boundaries of Connecticut, vol. i.

Island had established on the east side of the Pawcatuck River, and the Court of Justices at Westerly complained of such proceedings, and asserted that Rhode Island would continue to maintain her authority. To a threatening assemblage which had collected in Westerly, some Stonington constables asked the reason of the gathering, and were encouraged in this assumption of authority by the State of Connecticut. Rhode Island now proposed * a mutual reference to the King, or a friendly conference at which the agents who had procured the Charters might be present, and at the same time asserted her authority over the disputed territory until the final decision of the King was received; but Connecticut deferred action † for a few months, though still claiming jurisdiction as before. She, however, was willing to make a treaty‡ if plenipotentiary Commissioners were appointed, or she would allow a mutual reference to gentlemen in the Massachusetts and Plymouth Colonies. She appointed Commissioners with full power on the fifteenth of October, 1671, and told them if unable to agree to leave the dispute to arbitration. But Rhode Island still maintained § that she had no power to change the boundary line which had been established in the Royal Charter, to which Connecticut angrily replied || in these words: "We must needs say if in your former letter you had dealt as plainly we should never have given ourselves the labor and trouble we have had on that account, and now indeed we cannot but see you never intended any composure or compliance in the thing in controversy." The question in dispute, further added Connecticut, was not title to lands, but the right of jurisdiction and the settlement of the boundary. Connecticut, however, a little later, May, expressed a willingness to leave Westerly alone. A few years afterwards Connecticut issued, October 8, 1674, a commission for a Court to be held at Stonington to try cases in the Narragansett country, and received a communication from Jonathan Atherton of Boston ¶ asking for a release from the administration of his lands at Narragansett; but while King Philip's War continued no headway was made toward settling

* Letter to Connecticut, June 14, 1671.

† Letter to Rhode Island, July 29.

‡ Letter to Rhode Island, October 12.

§ Letter to Connecticut, November 4, 1671.

|| Letter to Rhode Island, January 29, 1672.

¶ Dated, Boston, March 4, 1676.

the boundary dispute. Rhode Island protested* because some Connecticut people had settled upon lands which Rhode Islanders had deserted during the war. As King Philip was now dead, an attempt was made to reclaim these lands. But the proprietors of the Narragansett country who resided in Massachusetts favored the authority of Connecticut; for they wrote to that Colony, March 16, 1677, requesting that encouragement be given to settlements in the disputed tract. At the same time they sent a petition to the King desiring him to restrain Rhode Island and allow Connecticut to govern the territory; and the Hon. John Saffin, the agent of these Narragansett proprietors, likewise sent a petition to Hartford giving twenty reasons why Connecticut should maintain her jurisdiction. Among them were the Indian deed to Edward Hutchinson and others in 1660, the Winthrop-Clarke agreement whereby the Atherton Company chose to be under Connecticut, the letter from the Commissioners of the United Colonies to Rhode Island not to disturb the proprietors of the Narragansett country, and the order of the Commissioners for redressing the injuries done on these lands by Rhode Island. But the Governor of Rhode Island posted up a proclamation, October 27, 1676, at Wickford, to warn off any officials from Connecticut, and again complained to Connecticut† and made another threat to appeal to the Crown. Connecticut, while still maintaining her rights, offered‡ as a compromise that Cowesett, now East Greenwich, should be her eastern boundary. But Rhode Island, still dissatisfied, voted to send agents to England to present the appeal, and sent a letter to Connecticut, May 24, proposing an equal division of the unpurchased lands. This proposition was rejected,§ and Connecticut resolved to continue her government east of the Pawcatuck River. In the summer of 1677 Massachusetts, Plymouth, Rhode Island, and Connecticut appointed deputies to settle the claims in Narragansett, and on August 22, the Court was opened at "Patucket;"|| but as Rhode Island failed to appear there was a delay till October 3, when the Court again assembled and rendered a verdict

* Letter to Connecticut, October 15, 1676.

‡ Letter to Rhode Island, May 10.

† Letters to Connecticut, April 21, and May 2, 1677.

§ Letter to Rhode Island, June 27.

|| Pawtuxet.

in favor of William Harris of Connecticut, the agent of the Pawtuxet proprietors. In 1679 each Colony wrote to the other* complaining of trespassing and forbidding the extension of government over Narragansett. John Saffin, above referred to, was thrown into prison for refusing to submit to Rhode Island, and appealed, May 23, to Connecticut. Connecticut replied, July 7, 1679, that if Saffin should personally apply to the King she would sustain part of the expenses. The King, who was thought to have a design of taking the Narragansett country himself or giving it to some courtier, now asked† that the disputants should appeal to him. Somewhat fearing the King's request, Connecticut desired a meeting‡ of the Commissioners of the United Colonies for mutual protection against the aggressions of Rhode Island. William Harris, of Pawtuxet, was appointed the agent of Connecticut to go to London; but, being taken prisoner to Algiers and dying soon after, Connecticut sent a statement of her case to England, saying that her Charter was granted before Rhode Island's, and was confirmatory of the old Patent issued thirty years before; that she also should possess the Pequot country by right of conquest; that Winthrop's agreement was void, and that in King Philip's War Rhode Island had given no help to the inhabitants of Narragansett. Rhode Island also petitioned Charles II, August 1, 1679, for the territory included within her Charter. At the same time letters§ passed between Governor Leete of Connecticut and Governor Cranston of Rhode Island with reference to the encroachments of Rhode Islanders at Stonington; and Rhode Island proposed|| that the Colony line should be run. This proposition, however, the Governor of Connecticut declined,¶ on the ground that the case had been referred to the King. In the year 1680** Rhode Island issued warrants for the arrest and imprisonment of Stephen Richardson, a constable of Connecticut,

* Connecticut to Rhode Island, April 7. Rhode Island to Connecticut, April 21.

† Dated, February 12, 1679.

‡ Connecticut to Massachusetts, July 5, 1679.

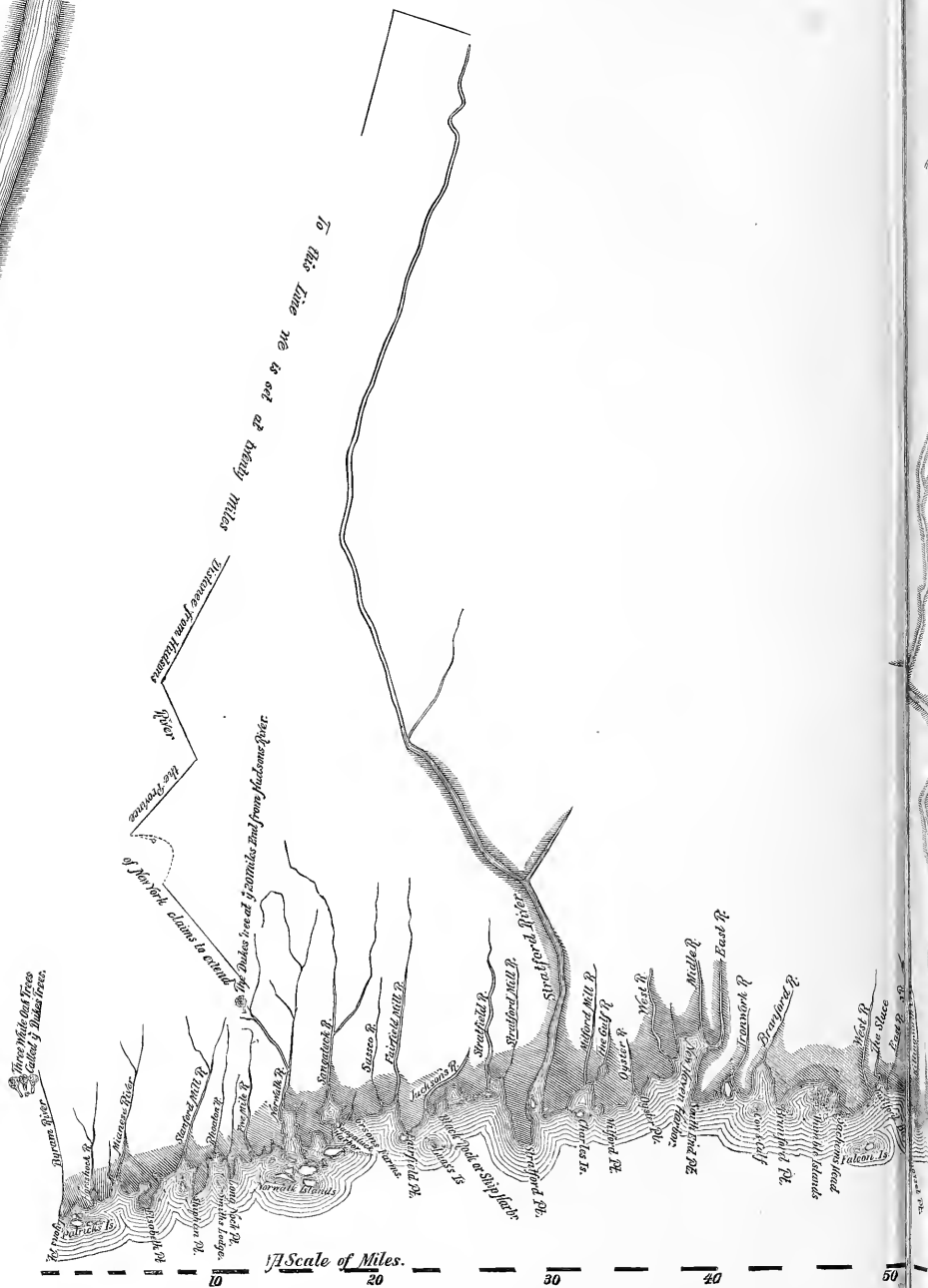
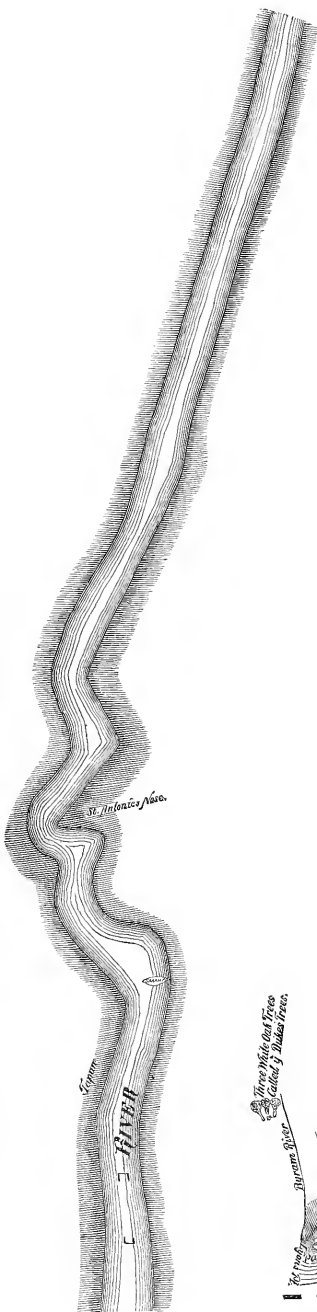
§ Connecticut to Rhode Island, September 16, 1679. Rhode Island to Connecticut, September 17.

|| Rhode Island to Connecticut, October 29.

** May 15 and July 6.

¶ Connecticut to Rhode Island, December 11.





The Southern Boundary of Massachusetts Province which is the North Boundary of Connecticut Colony



This is the true & correct Narragansett River and so this is the true & correct character of New Plymouth added in 1689.

NARRAGANSETT BAY AND RIVER



acting in Westerly. Connecticut demanded his release, July 6, and Rhode Island replied, July 9, that she had done perfectly right. Connecticut at once, July 15, forbade any official under the protection of Rhode Island to assume authority at Stonington, and in retaliation refused * to release Joseph Clark, of Westerly, who had been arrested. The Stonington people, too, on both sides of the Pawcatuck River were ordered, August 23, to send representatives to the General Court at Hartford, to make a schedule of their property and to present their arms for inspection. Connecticut complained † that not only the right to govern but the right of private property had been interfered with. Her military preparations and her firm attitude seemed to silence all contention for the next two years.

Commissioners to settle the boundary disputes at Narragansett, having been appointed by Charles II, April 7, 1683, met at Wickford, August 23, and proposed to examine all claims to the territory in question. But Rhode Island forbade the Court to sit within her boundaries, and so after a two days' session an adjournment was taken to Boston, where the Commissioners again assembled, September 3. Rhode Island did not appear, but Connecticut handed in her deeds and proofs. The Court concluded, October 20, that Wekapang Brook, ‡ four miles east of the Pawcatuck, was the boundary of the Pequot and Narragansett countries; that Plymouth's claim to the said country was based upon the identity of the Pawcatuck and Narragansett Rivers; that as these rivers were not the same Plymouth's claim was groundless; and that in consideration of the Indian deeds to Winthrop, Atherton, Hutchinson, and others, and the settlement of

* Letters of Rhode Island to Connecticut, July 23 and September 13, asking for release of Clark.

† Letter to Rhode Island, August 23.

‡ See Map VII. opposite page. The original of this map is in London State Paper Office and is in a poor state of preservation. See letter written ten years ago to Mr. Charles J. Hoadley, the State Librarian at Hartford, who procured a copy of the Map. The "Dukes Trees" are properly at the angle near the Byram River, but in this map they are also, through mistake, indicated at the angle twenty miles to the west of the Hudson River. The twenty-mile line is shaped to correspond with the Hudson River, which was supposed to be twenty miles from the western line of Connecticut. The curves in the river make like curves in the boundary. In the original of this map in London were also red lines marking Woodstock, Enfield, and Suffield, but they are now worn away.

these lands by them at great expense, the final decision was that the government of the Narragansett country should belong to Connecticut and that Rhode Island should not interfere. The Commissioners forwarded the above report to England to be confirmed by the Privy Council. But as the Privy Council took no action, the report was not considered legally binding by Rhode Island.* Therefore the boundary quarrels were continued.

* Palfrey's History of New England, vol. iv. 234.

CHAPTER III.

THE APPEAL OF CONNECTICUT AND RHODE ISLAND TO ENGLAND.

AN attempt was made in England in 1685 to deprive the Colonies of their liberties. The effort to take away Connecticut's Charter was not successful; but Rhode Island's Charter was actually suspended, the names of her towns were changed, a despotic government continued for several years, and confusion reigned in the Narragansett country. Sir Edmond Andros, the Royal Governor, repudiated Connecticut's claim to Rhode Island, and "for the third time*" Rhode Island's right of jurisdiction over the disputed district was guaranteed to her. Stonington meanwhile again sought† the protection of Connecticut, and to this petition the General Assembly‡ asked the consent of Rhode Island. The only reply§ was the claim still upheld by Rhode Island, and a complaint, June 21, 1694, against the encroachments that Connecticut was in turn making. Connecticut in another letter regretted any disturbance, and hoped|| that Rhode Island would make no claims west of the Pawcatuck River. This letter, however, was not "a virtual concession of the points in dispute," as has been claimed;¶ for the very next year Connecticut attempted** to collect rates of the people in Westerly, and a constable of Stonington while

* Arnold's History of Rhode Island, vol. i. 505.

† May 9, 1692.

‡ Letter of Connecticut to Rhode Island, May 20.

§ Letter of Rhode Island to Connecticut, June 19, 1692.

|| Connecticut to Rhode Island, October 19.

¶ Arnold's History of Rhode Island, vol. i. 530.

** Letter of Westerly to Connecticut, March 19, 1695. Colonial Boundaries of Connecticut, Hartford MSS., vol. i.

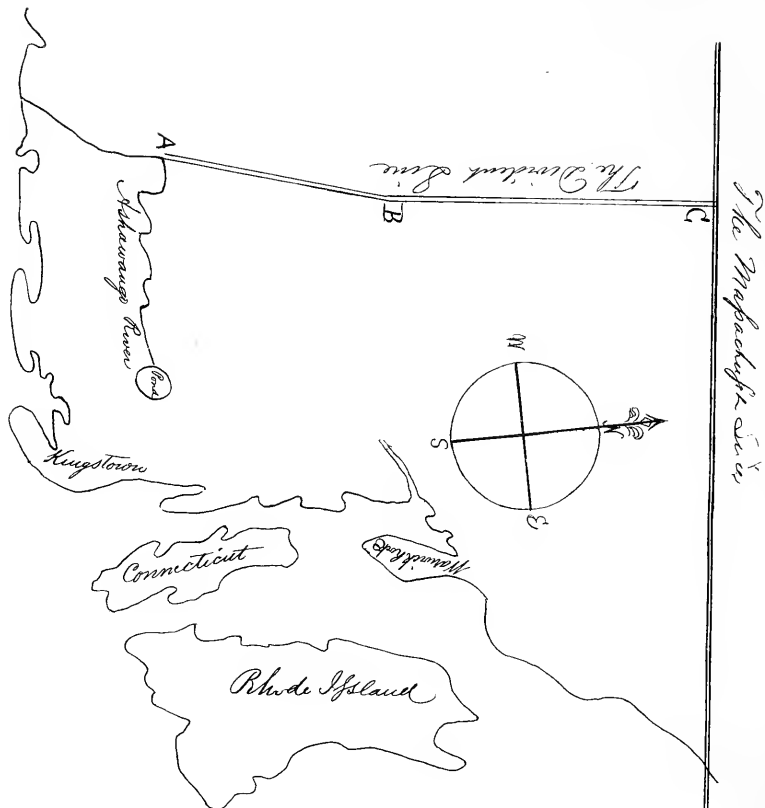
trying to do so was threatened with imprisonment and asked * the advice of Governor Treat. The Attorney-General of England, to whom the whole question of jurisdiction was referred, decided, October 28, 1696, in favor of Connecticut's claim, and two years later, June, 1698, an attempt was made by the two Colonies to settle the line, but without avail. When the Earl of Bellamont, requested by the Board of Trade to make a friendly settlement, arrived September, 1699, at Newport, the points in dispute were presented to him. But as no agreement could be concluded the Earl required, September 26, each Colony to send agents to England to settle the controversy. Connecticut would have liked to end the quarrel without appealing to England, but as that seemed impossible she applied to her agent, Sir Henry Ashurst. Captain Joseph Sheffield acted as the agent of Rhode Island, and had as his colleague, Brenton, who already represented Rhode Island in London.

But the quarrelling went on at home while the agents were busy abroad. A Rhode Island sheriff was instructed † to collect the rates due in Westerly, and a Connecticut sheriff named George Denison received a warrant ‡ to arrest any Rhode Island officers who should attempt to seize goods in Stonington on account of the non-payment of taxes, and bring the men to the Governor at New London. Under this warrant a Rhode Island sheriff, named Mallett, and four assistants were arrested. It was afterwards proved that Mallett did distrain goods, that he was armed, and had snapped his pistol when arrested. On the other hand it was asserted that the occurrence was in Westerly. Yet Mallett was fined fifteen pounds and the others five pounds each.

* Letter dated April 12, 1695.

† Warrant from Governor of Rhode Island, dated April 4, 1700.

‡ Dated April 5, 1700.



This is a correct copy of a
 Map found in Colonial Records
 Vol. 1. Rhode Island 1662
 to 1742 page 240
 in State Library of Conn.
 Copied by H. Heath, Office
 Secretary of State of Conn.
 Dec 3-1887.

CHAPTER IV.

THE DISPUTES BETWEEN CONNECTICUT AND RHODE ISLAND FROM 1700 TO 1840.

WITHOUT waiting for the decision of the Board of Trade, and in the fear that their chartered rights might be withdrawn, the Colonies determined to agree themselves upon the boundary line. In 1702 Connecticut and Rhode Island appointed Commissioners for this purpose, and upon the twelfth of May, 1703, the following important agreement was made at Stonington:—

“That the middle channel of Pawquatuck River, alias Narragansett River, as it extendeth from salt river upwards till it comes to the mouth of Ashaway River, where it falls into the said Pawquatuck River and from thence to run a straight line* till it meet with the south west bounds or corner of Warwick Grant purchase, and then in a due north line till it meet with the south line of the Province of the Massachusetts Bay in New England, forever be the boundary.”†

The southwest corner of the Warwick purchase was twenty miles due west of a rock at the extremity of Warwick Neck. This was the boundary for which Rhode Island had so long contended, and which

* See Map VIII. opposite page. The original of this map is in England, a copy of which the State of Connecticut has in Colonial Boundaries, vol. i. p. 240 (Rhode Island, 1662–1742). In this map is the pond indicated in Map VII, due north from which Connecticut wished to extend her bounds. The line A B C by the survey of 1840 was made nearly straight instead of with an angle at B, so that Rhode Island now has more territory than is indicated on this map. There are two maps of the survey of 1840: one at the State House in Providence, and the other at the State House in Hartford. The old line from B to C, and from A to B, varied east and west of a meridian line.

† Rhode Island Colonial Records, vol. iii. 474.

she claimed was in accordance with the terms of her Charter. Yet the line was not actually surveyed at this time, though Rhode Island twice appointed Commissioners for that purpose. In 1714 Connecticut authorized her Governor to appoint Commissioners to unite with Rhode Island in surveying the line and setting up monuments, but nothing was done until April 18, 1720, when the Commissioners met, but disagreed in the preliminaries. The Connecticut deputies refused to go forward, and so Rhode Island ran alone the twenty-mile line from Warwick Neck, and gave notice, July 7, of an appeal to the King. Connecticut was told* that Rhode Island had appointed agents to go abroad, and Governor Saltonstall replied that a new dispute would not have arisen after the settlement of 1703, had not Rhode Island set up a new claim† on the west of the Pawcatuck River. This letter, however, differed from the official letter‡ which the Governor of Connecticut sent to the Board of Trade in London, in which the entire Narragansett country was claimed and the assertion made that Connecticut could prove that she was entitled to it. A map of Connecticut was enclosed with the letter, and is now in the State Paper Office in London. A look at it§ shows that the eastern boundary of Connecticut from a Connecticut standpoint, extended to the Narragansett Bay. But believing that it would be impossible to extend her bounds to Narragansett Bay, Connecticut claimed|| that the line should run north from one of the ponds¶ in the western part of the present town of South Kingston, which she said was the head of the Pawcatuck River. According to the terms of Rhode Island's Charter, by which Connecticut now seemed willing to abide, Rhode Island was declared bounded by the middle channel of Pawcatuck River, "and so along said River as the greater or middle stream thereof reacheth or lies up into the north country northward under the head** thereof," and so in a line

* Letters, dated July 7 and 27.

† Arnold, vol. ii. 67. Rhode Island Colonial Records, vol. iv. 280-283.

‡ Dated, New Haven, September 14, 1720.

§ See Map VII. p. 41.

|| See Acts and Resolves of General Assembly, Rhode Island, May, 1840. Report of Boundary Commissioners of Rhode Island and Connecticut.

¶ See Pond on Map VII. and Maps VIII. and IX.

** Charter of Rhode Island, 1663.

due north to Massachusetts. A map* showing the pond in question was drawn up, and the oaths of several old citizens were taken to prove that the pond was really the head of the Pawcatuck River. The allowance of such a claim would have left but a strip of territory to Rhode Island on the west of the Narragansett Bay, and therefore she protested† against allowing the pond to be the head of the Pawcatuck. She, however, was willing to let the King decide, and asked Connecticut not to make settlements east of said pond until after His Majesty's pleasure was known. The Board of Trade, after hearing all the testimony, reported‡ to the Privy Council that Rhode Island was morally if not legally right, and suggested that the charters of both Colonies be taken away and the Colonies be annexed to New Hampshire! Such an idea, no doubt, scared Connecticut into a willingness at once to obey whatever decision the King should make of the boundary dispute. But, before the King's purpose was known, Connecticut and Rhode Island, 1724-26, once more appointed Commissioners with full power to run the Colony line. As usual they accomplished nothing. Meanwhile the business proceeded in London, and the Board of Trade, January 25, 1726, recommended to the Privy Council that the line be run as agreed in 1703. The Privy Council accepted the recommendation and reported to the King. February 8, 1727, the line was so settled. The 1703 line had been run *ex parte* by Rhode Island, and now remains a boundary for farms in portions of that State under the name of the Dexter and Hopkins line. In 1728 the line was surveyed again and settled. It seems that Governor Jenks of Rhode Island had written to Governor Talcott of Connecticut, § April 12, 1728, saying that as citizens of Connecticut had been cutting timber on Rhode Island land, and that the inhabitants might be quieted in the lawful possession of their lands, he hoped the unhappy controversy would end. Commissioners were therefore appointed. The Connecticut

* See Map IX. opposite page. This testimony concerning the head of the Pawcatuck River is a correct copy of original in vol. i. of Colonial Boundaries in the State Library of Connecticut.

† Rhode Island to Connecticut, July 7, 1720. See Colonial Boundaries, Hartford MSS., vol. i. Nos. 207 and 209.

‡ 1723. February 15. See Arnold, vol. ii. 72.

§ See Report of Commissioners of Rhode Island and Connecticut, 1840.

Commissioners wished to run the twenty-mile line from Warwick Neck, but the Rhode Island Commissioners claimed the southwest corner of Warwick had already been established. But, fortunately for Rhode Island, she allowed the line to be run, and, owing to a mistake in a former survey, gained a piece of territory.* After sixty-five years of quarrelling, the Colony line was finally settled, September 27, 1728. From the joint report made by the Commissioners, it is seen that a line twenty miles due west from Warwick Neck ended in a cedar swamp, which was the southwest corner of the Warwick purchase. The western boundary of Rhode Island was formed by running a line from said corner north seven degrees east, twenty-three miles and ten rods to the Massachusetts line, and from said corner south, eleven degrees twenty minutes west, fifteen miles and ninety rods to where the Ashaway falls into Pawcatuck River, and thence following the Pawcatuck to its mouth. Monuments were erected along the line, and, owing to a reputed tampering with one of the monuments, the line was not confirmed by both States until 1742. The stone heaps that formed the boundary monuments becoming somewhat effaced by time, a new line was drawn by Commissioners of both States† in 1840. The line was found to be crooked, and it was thought best to straighten it from one town corner to another, so that now any deviation in the line can hardly be detected upon the map.‡ An attempt to change the northwest corner of Rhode Island a few rods to the east was not allowed, and the line was run as follows:—

“Beginning at rock near the mouth of the Ashawage River where it empties into Pawcatuck River, and from said rock a straight course northerly to an ancient stone heap at the southeast corner of Voluntown, and from said rock southerly in same course with aforesaid line until it strikes Pawcatuck, from the southwest corner of Voluntown in a straight line to stone heap at the southwest corner of west Greenwich, thence to the southwest corner of ancient Warwick, which is now the corner of the towns of Coventry and West Greenwich,

* See Map VIII. p. 45.

† See Report of Boundary Commissioners of Rhode Island and Connecticut, 1840.

‡ There is now no angle as at B in Map VIII.

thence in a straight line to the northwest corner of the town of Coventry, thence in a straight line to the northeast corner of Stirling, thence in a straight line to the southwest corner of Gloucester, thence to southeast corner of Thompson, and southwest corner of Burrillville, and to a stone heap upon a hill in the present jurisdiction line between Massachusetts and Rhode Island."*

Monuments were erected at all these town corners.

* Copied from Report above indicated.



PART III.

CONNECTICUT'S BOUNDARY DISPUTES WITH
MASSACHUSETTS.

CHAPTER I.

THE CONTROVERSY CONCERNING WINDSOR, AND THE SURVEY OF THE INTER-COLONIAL LINE.

THE boundary disputes between the Colony of Connecticut and the Province of Massachusetts should now be described. Reference has already been made* to the quarrel that Springfield had with the towns lower down the river. But as the country became settled, the plantation of Windsor was the scene of conflict. Massachusetts crowded upon Connecticut, and Connecticut crowded upon Massachusetts. The point at issue was the position of the joint boundary line at Windsor. Massachusetts said the old line† was correct, and complained‡ because Connecticut encroached upon her territory. She proposed a resurvey of the Woodward and Saffery line, and on complaint of Connecticut was willing to compromise§ by allowing the north line of Windsor to be extended up to the falls in the river within forty rods of the great island, and thence east of the river for four miles, and thence south to the 1642 line. In the Woodward and Saffery map|| are indicated the falls and island alluded to. But Connecticut would not accede to such a Colony boundary, yet she, some years later, May 9, 1678, appointed Commissioners to unite with Massachusetts. If Massachusetts refused,¶ Connecticut threatened, 1680, to proceed alone in making the survey. About the same time, 1678,

* See pp. 16 and 19.

† Line of 1642, p. 19.

‡ See Letter of Massachusetts to Connecticut, June 6, 1671. Colonial Boundaries of Connecticut, Hartford MSS. vol. iii.

§ Massachusetts to Connecticut, May 15, 1672; vol. iii. Hartford MSS.

|| See Map IV. p. 19.

¶ Trumbull, vol. i. 356.

Windsor made a complaint to the General Assembly at Hartford, because Enfield had been separated from Springfield, and incorporated under the government of Massachusetts, and asked to have the boundary question settled. Suffield was another town that Connecticut claimed was within the boundaries of her Charter, and therefore the inhabitants of Windsor and Simsbury considered that they had a legal right, as citizens of Connecticut, to settle within this town. Suffield, 1686, and, a few years later, Enfield, 1693, complained of these encroachments to the authorities at Boston, but before Connecticut made answer, she deemed * it of more consequence that the boundary line between the Colonies be first settled. Colonel John Pynchon of Springfield, in a letter † written to Governor Treat of Connecticut, was of the same opinion. In her anxiety to have the controversy ended, Connecticut determined to survey the line herself, and directed the Commissioners ‡ to proceed according to the terms of the Massachusetts Charter without reference to any previous survey. Massachusetts also was invited but failed to send any Commissioners with the surveying party, and so John Butcher and William Whitney, appointed by the Connecticut Commissioners, made the survey, and handed in their report on the twentieth of August, 1695.§ They made observations at two ponds three miles south of Wrentham Pond, in latitude $42^{\circ} 3'$, at the place from which the 1642 line had been started, though Woodward and Saffery at that time falsely said that the same place was $41^{\circ} 55'$ north latitude. The north line of Connecticut is to-day in latitude $42^{\circ} 3'$, yet Butcher and Whitney said that the true line was at Dedham Tree, in latitude $42^{\circ} 4'$, for this was the point that according to the terms of the Massachusetts Charter was three miles to the southward of the southernmost part of Charles River. Other observations were made by these surveyors,—at Woodstock in latitude $42^{\circ} 1'$; at John Bissell's house in Windsor, in latitude 42° ; and at Hartford, in latitude $41^{\circ} 51'$. Massachusetts objected to the above report. She

* Letter to Massachusetts, October 14, 1686. Colonial Boundaries, Hartford MSS. vol. iii.

† Dated March 8, 1694. Colonial Boundaries, vol. iii.

‡ Letter to Commissioners, July 6, 1695. Colonial Boundaries, vol. iii., Hartford MSS.

§ See Massachusetts Archives, vol. ii. p. 237.

said that the starting-point was too far north, that Connecticut* was unreasonable, and that the old line should not now be disturbed. Connecticut made no answer, and continued to settle upon lands in Enfield and Suffield, to which Massachusetts again objected.† As there was not yet a mutual settlement of the question, Connecticut appointed‡ Commissioners with full power, to agree upon the boundary. These Commissioners proposed to Massachusetts to run the line, as in 1642, to within twelve miles of the Connecticut River, thence north a mile, and thence due west to the river. The proposition was rejected by Massachusetts, and is crossed out in the Colonial Boundary Manuscript Records of Connecticut, but Massachusetts afterwards said that if the Suffield line be continued sixteen miles west of the river, and the Enfield line eight miles east, and thence south to the ancient line, she would make such an agreement, provided the grant at Woodstock§ should remain valid. It seems that part of the Woodstock grant was south of the Woodward and Saffery line,|| and Massachusetts did not wish her claim to jurisdiction over it questioned. She had severely censured Woodstock some years before for daring to ask Connecticut to confirm the grant of such lands of the town as fell south of the line.¶ Connecticut yielded all claim to these Woodstock lands, and then proposed to go to the Woodward and Saffery station in latitude $42^{\circ} 3'$, and run the inter-colonial line due west, agreeing that the right to jurisdiction over towns along the line should belong to the government that had first settled them. Consequently in 1702 James Taylor of Massachusetts, and Messrs. Pitkin and Whiting of Connecticut, made observations similar to those made by the surveying party of 1695. The Connecticut officials reported, 1702, that the real line should be seven miles north of John Bissell's house in Windsor. But, as Massachusetts had failed to give Taylor full power, Connecticut was obliged to again insist** that the contro-

* Letter to Connecticut, December 12, 1695. Colonial Boundaries, Hartford MSS., vol. iii.

† 1696; vol. iii., as above.

‡ May 9, 1700; vol. iii. as above.

§ Settled under Massachusetts in 1686.

|| See Map. X. p. 57.

¶ Miss Larned's History Windham Company, vol. i. 37. See also Map X.

** Letter of Connecticut to Massachusetts, October, 1702; vol. iii. as above.

versy be settled. Massachusetts now maintained that the old Colony line was well understood before Connecticut* received her Charter in 1662, and that if the boundary were now changed, and if molestations were continued on Suffield and Enfield by the people of Windsor, an appeal to Queen Anne would be made. Governor Winthrop† denied‡ any reports of violence on the borders, and likewise threatened to appeal to the Crown if the true line as run by Taylor and others was not consented to. Massachusetts§ yielded a trifle in allowing Windsor to give grants and assume jurisdiction up the river over the borders, but not over the entire towns of Enfield and Suffield, which were claimed by Connecticut. In other respects the line was allowed to stand as before. But this concession was of short duration, for in the following year it was declared|| that the inhabitants of the indent-¶ towns had been insulted, and jurisdiction down to the ancient line was again claimed. Governor Saltonstall of Connecticut, in reply, promised to have the charges investigated, and also hoped that the general boundary dispute would be speedily ended. The people on one side of the line were no better than those on the other side. If persons in Connecticut had insulted persons in Massachusetts, men from Enfield and Suffield had crossed into Windsor and Simsbury to steal timber and turpentine, and even to imprison some whom they found. To end these disgraceful proceedings, the General Assembly at Hartford, appointed, May 25, 1708, Commissioners with full power to meet the Massachusetts Commissioners, and determine the boundary according to the Massachusetts Charter, telling them to begin the survey at the point settled by Taylor in 1702, and thence run due west. If Massachusetts should agree, the old grants should remain good, and meanwhile no action should be taken regarding the lands in dispute. If Massachusetts should refuse to make the joint survey, an appeal to the Queen would follow. Massachusetts refused, and memorials on the subject were then sent to London by both Colonies.

* Letter of Massachusetts to Connecticut, 1705; vol. iii. as above.

† This was FitzJohn Winthrop, Governor of Connecticut from 1698 until 1707, the son of Governor John Winthrop of Connecticut, and grandson of Governor John Winthrop of Massachusetts.

‡ Letter of Governor Winthrop of Connecticut to Massachusetts, 1705; vol. iii. as above.

§ Letter of Massachusetts to Connecticut, 1707; vol. iii. as above.

|| Massachusetts to Connecticut, 1708.

¶ Suffield and Enfield.

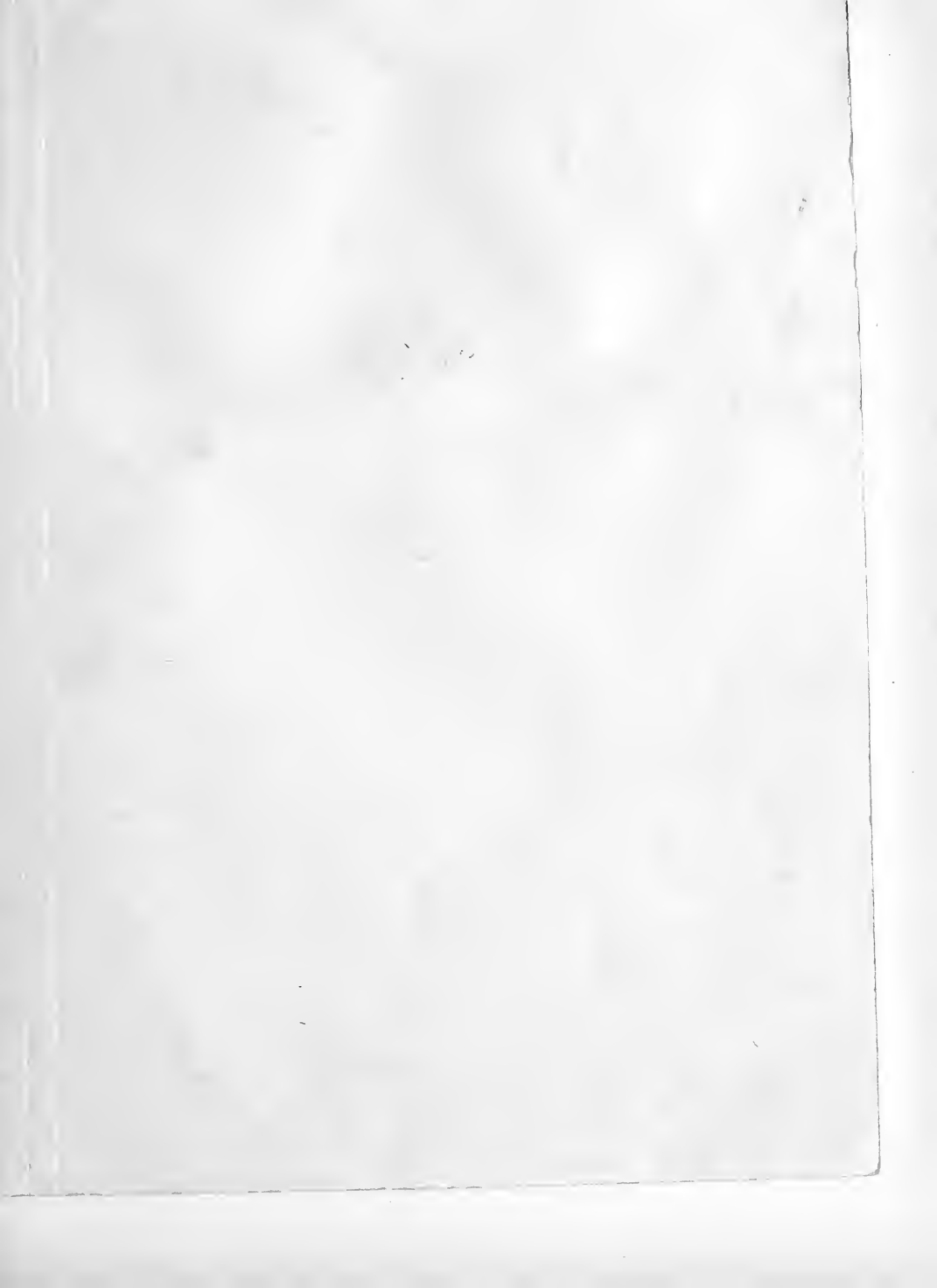
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
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WESTFIELD

CHAPTER II.

THE MEMORIALS OF MASSACHUSETTS AND CONNECTICUT TO THE CROWN, AND THE BOUNDARY SETTLEMENT OF 1713.

MASSACHUSETTS, in her memorial* forwarded to England, told how her line was run in 1642, that Woodward and Saffery's observation was in latitude $41^{\circ} 55'$, and that Taylor's observation at the same point in 1702 was in latitude $42^{\circ} 2' 30''$. "Artists alike skilful may differ in a point or some minute thing, but it is very improbable and unlikely the difference can be so great."† She therefore wanted to let the old line stand, as the one was as likely to be as right as the other, and the old one had been the established line for sixty-six years. Connecticut's memorial was addressed to her agent, Sir Henry Ashurst,‡ and gave a full history of the question, and asked that the boundary be fixed as ordered in the Massachusetts Charter. Governor Gurdon Saltonstall also sent a letter to Sir Henry in support of Connecticut's claims, and gave the following facts regarding the observations of Woodward and Saffery in 1642, and Taylor in 1702 :

First Station	{ Woodward and Saffery $41^{\circ} 55'$ Taylor $42^{\circ} 2' 30''$
Bissell's House	{ Woodward and Saffery $41^{\circ} 55'$ Taylor $41^{\circ} 56' 30''$

Bissell's house in Windsor was therefore 6' or almost seven miles farther south than Woodward and Saffery's first station; or, in other words, seven miles south of what the true Colony line should be.

* Massachusetts Archives, vol. iii. 115.

† Memorial as above.

‡ Colonial Boundaries, Hartford MSS., vol. iii.

But the idea of appealing to the Crown to have Connecticut's wrongs righted was not encouraging. The Colony's trusted agent soon died.* The expense of appealing was great. The Court party in England desired the revocation of the Charters of the Colonies.† The Mohegan controversy was distressing Connecticut, and Connecticut was poor. Circumstances therefore combined to urge the Colony to make peace direct with Massachusetts and avoid the appeal.

Connecticut, in 1713, appointed plenipotentiary Commissioners to meet the Massachusetts Commissioners and come to an agreement.‡ William Pitkin and William Whiting were the Commissioners, and John Chandler and Samuel Thaxter the Surveyors. They made, July 13, 1713, a report which was approved February 13, 1714, by each Colony. By the agreement Massachusetts was as before to have jurisdiction over her old border towns, though they fell to the south of the new Colony line. For this privilege of jurisdiction Massachusetts agreed to compensate Connecticut. For as much territory as Massachusetts governed south of the true line, she agreed to give the same amount of territory to Connecticut in unimproved lands in Western Massachusetts, and in New Hampshire,§ and a further allowance was made by a promise to sell the more distant lands at a cheaper rate. These unimproved lands were therefore called equivalent lands. The small disputed tract at Windsor fell to Connecticut. The lands in Connecticut that Massachusetts governed by the above agreement were as follows: || —

In Woodstock	30,419 acres
In Enfield	36,180 "
Part of Springfield east of Connecticut River	640 "
Part of Springfield west of Connecticut River	287 "
In Suffield	22,172 "
In Westfield	5,549 "
Governor Dudley's lands	1,500 "
Honorable William Stoughton's lands	818 "

* Sir Henry Ashurst died in 1710.

† Trumbull, vol. i. 446.

‡ Colonial Boundaries, Hartford MSS., vol. iii. See also Map X, opposite. This map is a copy of original map on parchment in the State House, Boston.

§ Trumbull; vol. i. 447, and vol. iii. as above.

|| Colonial Boundaries, Hartford MSS. vol. iii.

Connecticut River

Longmeadow

Scenic River

Somers

Munson

South Brimfield

Stafford

Line between Enfield and Longmeadow
Enfield



Robert Thompson's lands	2,000 acres
Colonel William Dudley's lands	2,000 "
Colonel William Whiting's lands	1,000 "
The half of Sir Richard Saltonstall's } tract on borders of Enfield *	1,000 "
And other smaller lots, making in all	107,793 "

The equivalent lands were sold by Connecticut in April, 1716, for £683 New England currency, or \$2,274, and the money was given to Yale College.

The north line of Connecticut, west of the Connecticut River to the New York line, or to within twenty miles east of the Hudson's River, was settled by Commissioners of Massachusetts and Connecticut in 1717.†

* See Map X.

† Vol. iii. as above.

CHAPTER III.

THE CONTROVERSY CONCERNING WOODSTOCK, ENFIELD, AND SUFFIELD.

THE next controversy Connecticut had with Massachusetts was with regard to the border towns above alluded to. They desired to change the jurisdiction to Connecticut. In 1724 Enfield (March 9) and Suffield (March 12) asked to be brought under Connecticut. The General Assembly appointed a Committee to examine the question, but they reported that the agreement of 1713 with Massachusetts would prevent, and Connecticut should now stand by her agreement.* In 1732 Massachusetts appointed a Committee to perambulate the boundary as fixed in 1713, so that its position might not become doubtful. In the following year Connecticut did the same. In 1734 the Commissioners made reports to their respective governments. A mistake had apparently been made in 1713 at the northwest corner of Woodstock. In 1739† Ashford and Union complained to the General Assembly of the mistake alluded to, and so Commissioners were appointed by both Colonies to examine the case. They reported,‡ making the northwest corner of Woodstock eighty-seven rods east of course named by the Committee of 1734, and forty-four rods south of the Colony line. The northeast corner of the town of Union was, therefore, farther north than the Woodstock corner, and the Colony line continued to be crooked at this point.§

The town of Woodstock had been settled by Massachusetts people

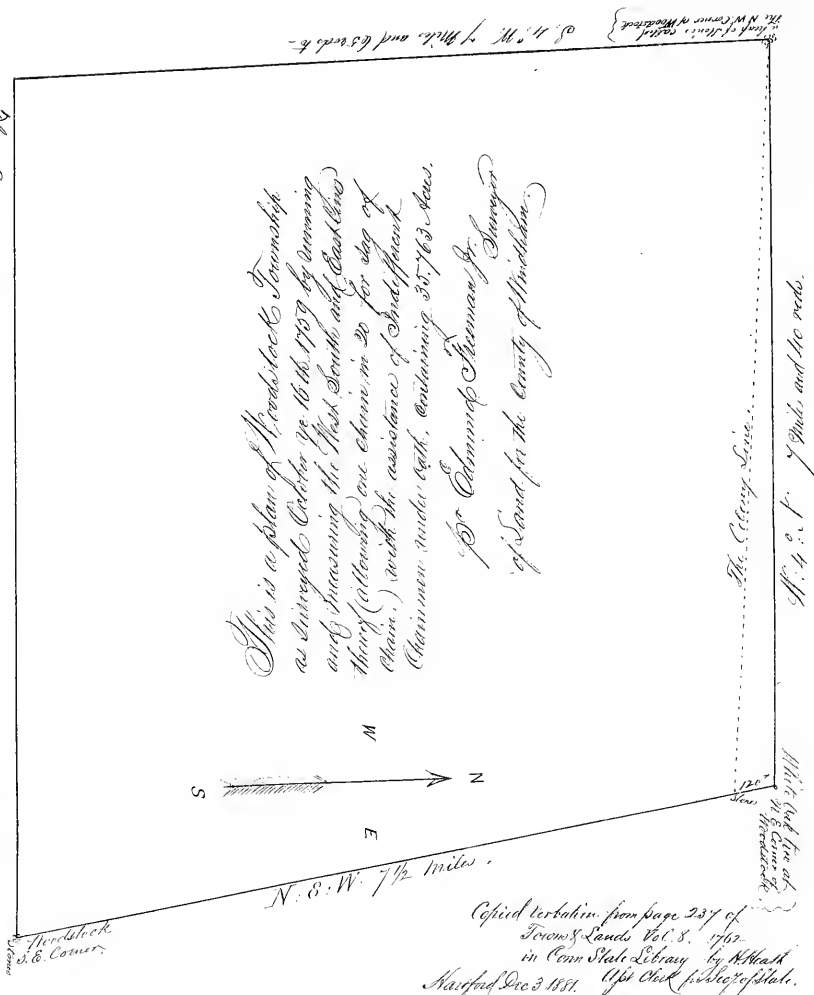
* Vol. iii. as above.

† See Colonial Boundaries, Hartford MSS., vol. iii. Nos. 72 and 73.

‡ May 3, 1740, *ib.*; and also "Town and Lands," Hartford MSS. vol. viii. 234.

§ See Map XI. p. 59.

Shore E. 6 & S. 8 Miles and 90 rods to a large heap of stones about 60° E. of North & 100 rods N. & 100 rods W. of the same.



Copied verbatim from page 237 of
 Town & Land Vol. 8. 1762
 in Conn State Library by H. H. H. H.
 Hartford Dec 3 1851. 11/16 Chas. J. Folger.

from Roxbury, and as their associations had always been friendly with the mother town* and the government at Boston, they were satisfied with the agreement of 1713. Trumbull† seems to have made a mistake in calling this agreement a "great grievance" to Woodstock and the other indented towns, and Hollister‡ has made a similar error in copying Trumbull. In fact, though not consulted about the agreement, the people were contented enough until some years later they thought that their taxes, which had been increased owing to the French and Spanish wars,§ would be lighter, and their privileges greater, if they followed Suffield, Enfield, and Somers, "in trying to get off to Connecticut." So on March 31, 1747, Woodstock appointed Colonel William Chandler, "to lay the affair before the General Assembly of Connecticut,"|| and at the May session following the towns in question sent in a memorial.¶ They asked that they be admitted within the Patent of Connecticut, denied the right of the State to transfer the jurisdiction conferred by the Charter, and claimed that the agreement of 1713 had been made without their consent. A Committee was appointed to investigate and report at the next session. At the same time Commissioners were appointed to meet the Massachusetts Commissioners, but Massachusetts refused to open the controversy. Encouraged by Connecticut, Woodstock appointed, May 7, 1747, Thomas Chandler and Henry Bowen to proceed with the work, and if not successful at Hartford to "send to ye great Court of England."** They addressed, October, 1747, the General Assembly, urging that as the agreement of 1713 had not received the royal confirmation in England, it was void, and the Colony had no right to transfer towns within her chartered bounds to the jurisdiction of Massachusetts. The towns were persistent, and Connecticut was

* Woodstock when first settled in 1686 was called New Roxbury.

† Benj. Trumbull's *History of Connecticut*, vol. ii. 295.

‡ Hollister's *History of Connecticut*, vol. ii. 463.

§ See Hutchinson's *History of Massachusetts*, vol. iii. 6-8; vol. ii. 363-396; *Historical Collections of Holmes Ammidown*, vol. i. 297, and Miss Larned's *History of Windham County*, vol. i. 488.

|| Woodstock Records.

¶ Memorial dated May 20, 1747; vol. iii. as above.

** Woodstock Records.

anxious to secure them. R. Bradley the Attorney-General, William Smith and Richard Nichols sent a written opinion from New York* stating that Massachusetts and Connecticut had the power of determining the right to lands, but could not change the limits of government without consent of the Crown, and therefore the jurisdiction of the towns south of the boundary belonged to Connecticut. In view of this opinion, and after mature deliberation, the Colony voted May 1749, to receive the towns, declared the agreement of 1713 not binding, and appointed Commissioners to unite with Massachusetts in determining the line, and in case of refusal to appeal to George II. Massachusetts sarcastically answered, June 28, 1749, that the proceedings of their Legislature had been regularly sent to the King, and if anything had been done contrary to the royal will, it was to be presumed that such an act would be noticed. As Connecticut surmised that Massachusetts had written to her agent in London to have the agreement of 1713 confirmed, she asked her own agent to have the confirmation delayed until a full statement of the case could be forwarded. Woodstock was delighted at being received into Connecticut, and at a memorable town meeting† made Thomas Chandler and Henry Bowen the first members of the General Assembly. Massachusetts became indignant at such action, and in a letter to Connecticut maintained her authority over the disputed towns.‡ But Governor Law replied that he did not see how Massachusetts could maintain her authority outside of her colonial limits. Massachusetts now proposed that Commissioners be appointed by both Colonies, and asked Connecticut not to encourage the revolting towns, but Connecticut insisted upon a settlement according to the Charters. Petitions, letters, threats, and even the violence that followed on the part of Massachusetts, seemed useless. An appeal to the Crown was thought to be the only remedy. Rhode Island, whose northern boundary was likewise unsettled, offered to join Connecticut in the appeal. A Committee that was appointed by

* Dated April 13, 1749; vol. iii. as before.

† July 28, 1749.

‡ August 7, 1749; vol. iii. as above.

WEST SPRINGFIELD

20 U T H W I C K

ANALYSIS

SUFFIELD

CRABBY

[illegible]

these two Colonies, April 4, 1752, to look up evidence, reported that the Woodward and Saffery first station was seven miles and fifty-six rods, instead of three miles, south of the southernmost part of the Charles River, and therefore, Massachusetts held a tract of over four miles which did not belong to her, the whole length of the line. This report with other facts about the case were sent to England in 1753.* Within the next two years, Massachusetts and Connecticut each made surveys of the line, which, with other evidence, were sent abroad. Lord Mansfield, at that time the Attorney-General, said regarding the dispute:—

“I am of opinion that in settling the above bound, the Crown will not disturb the settlement of the two Provinces in 1713.”

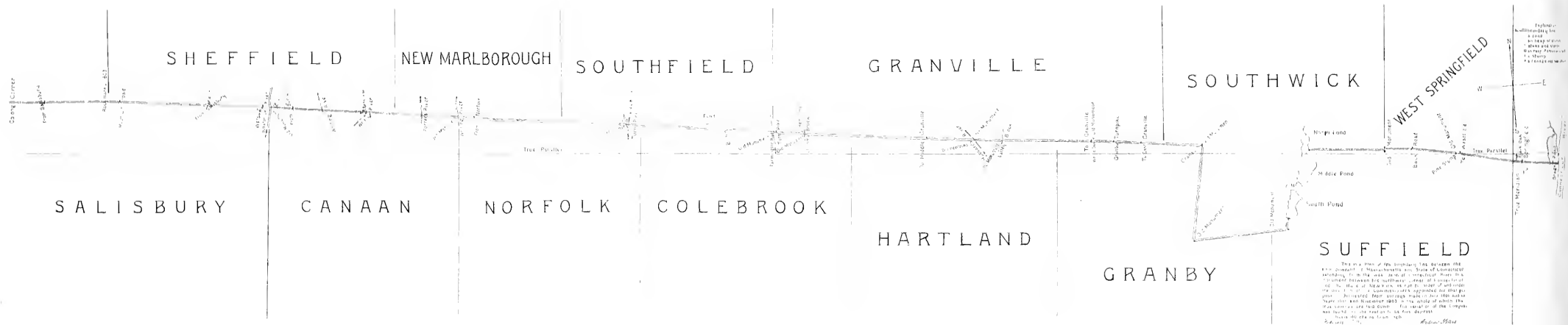
But England was engrossed in the Seven Years' War, and there is no evidence to show that the controversy was ever brought before the Crown. Though Massachusetts would not openly recede, Connecticut continued to govern Enfield, Suffield, and Woodstock. Massachusetts continued until the Revolution to levy taxes without collecting them, and to send notices of fast days and elections to the three towns; and as late as 1768 claimed that she had not given up jurisdiction, and warned the towns not to pay taxes to Connecticut. Woodstock† sent a petition May 2, 1771, to the General Assembly, stating that her north line or the Colony line should be about four and a half miles farther north, according “to the manifest intent of the Province Charter,” and asked that the boundary might be fixed. But as Connecticut had the towns, she refused to reopen the question.‡ The strip of land§ in Woodstock north of the Colony line, as fixed in 1713, was lost after Woodstock revolted and became Province territory of Massachusetts. It was known as

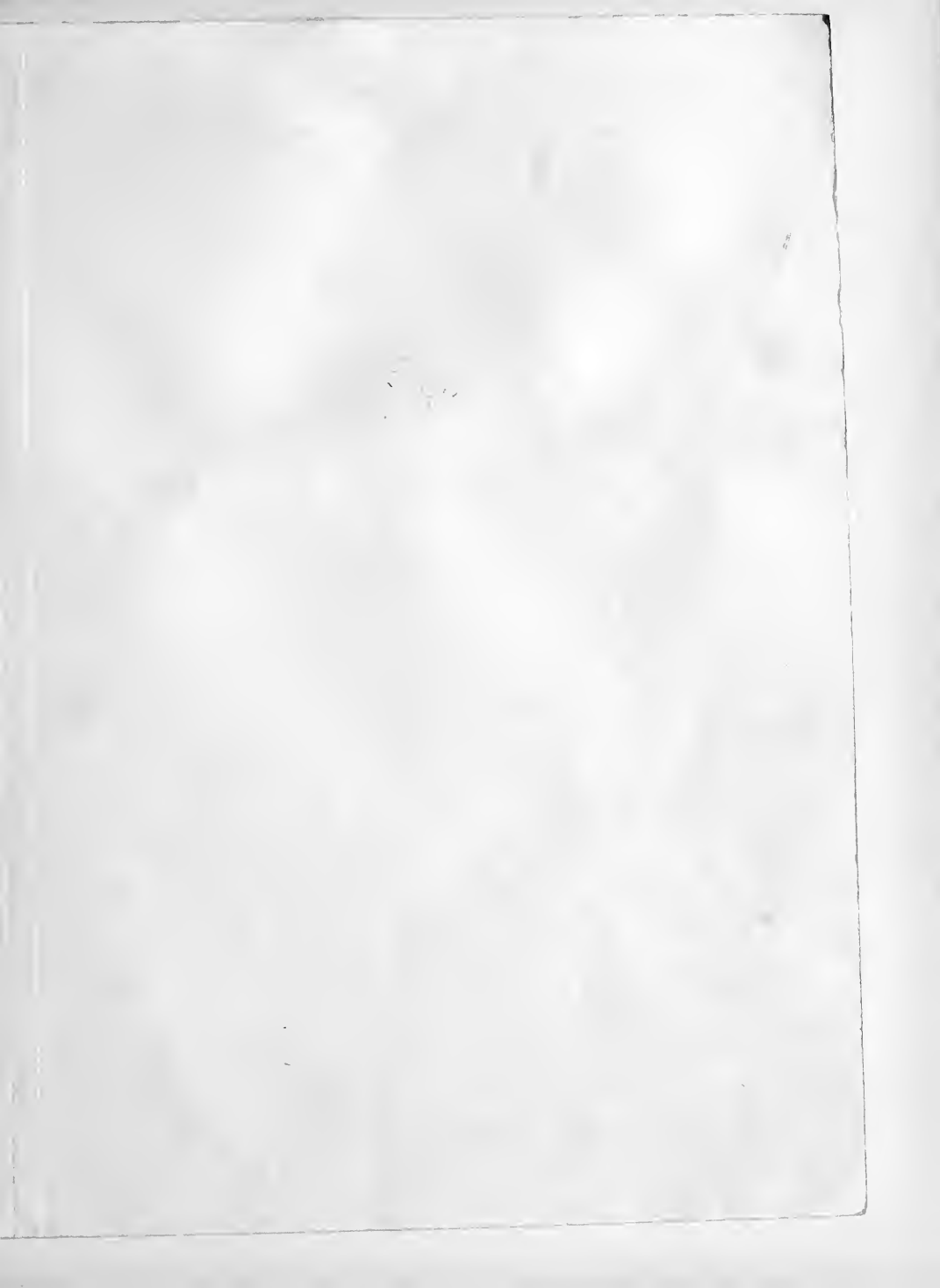
* Miss Larned, vol. i. 493.

† Woodstock Records.

‡ In the Massachusetts Historical Society, Boston, is a copy of a map of New England published in England by Thomas Jeffreys, in 1774, in which the towns of Suffield and Enfield are represented to be within the bounds of Massachusetts. This error was owing to the fact that the map of “Koneknikut” was taken chiefly from the survey of Gardner and Kellock, made in 1737, at which time the above-named towns belonged to Massachusetts.

§ About 3,000 acres. See Map X., page 57.



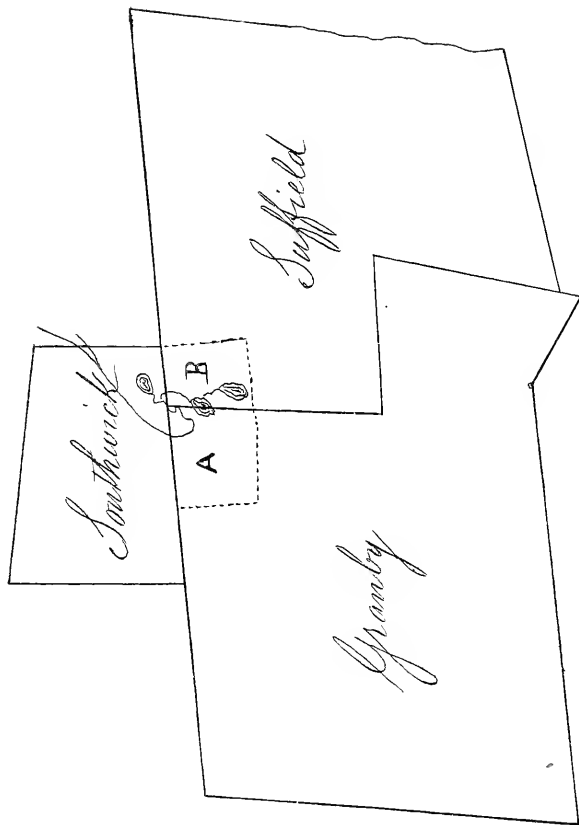


the "Middlesex Gore," for forty-five years,* and in 1794 was annexed to Dudley and Sturbridge.

Connecticut has been blamed for taking back the towns for which Massachusetts had paid her. But, as Massachusetts had settled the towns when she had no right to do so according to her Charter, it was right that she should pay Connecticut for the advantages accruing to her from such settlements, and it was perfectly right for Connecticut now to assume jurisdiction over the towns, for they had always strictly belonged to Connecticut.

* Holmes Ammidown's Historical Collections, vol. i. 304.

Page 17!



CHAPTER IV.

POINTS AT ISSUE BETWEEN MASSACHUSETTS AND CONNECTICUT FROM 1774 UNTIL 1826.

IN 1774 Connecticut attached land in Southwick, south of the Colony line,* and ten years later a Committee was appointed to establish the bounds at this point; but it took a score of years to settle this trifling matter, so tenacious was each Colony of every inch of territory. In 1793 both States appointed Commissioners to ascertain the boundaries of Southwick, Sandisfield, New Marlborough, and farther west to the New York line; and four years later, joint Commissioners were appointed to examine the line east of the Connecticut River. They reported that the line was nearly all † correct except a tract of about two and a half miles square at Southwick, which Massachusetts thought she should have to compensate for the towns she had lost. Connecticut refused, 1801. Massachusetts, however, 1803, was willing to compromise. So, in 1804, it was arranged that Connecticut should keep a slice of Southwick,‡ and Massachusetts should hold the land west of the pond in Southwick,§ the same indentation into Connecticut she holds to-day.

In May, 1810, Connecticut appointed another Committee to examine the line east of the Connecticut River, but no report can be found

* See Map XIV., opposite page. Copied from Colonial Boundaries of Connecticut. Hartford MSS., vol. iii. p. 171.

† "Nearly all" probably refers to the jog at Union and Woodstock corners.

‡ I. e., portion marked B in Map XIV.

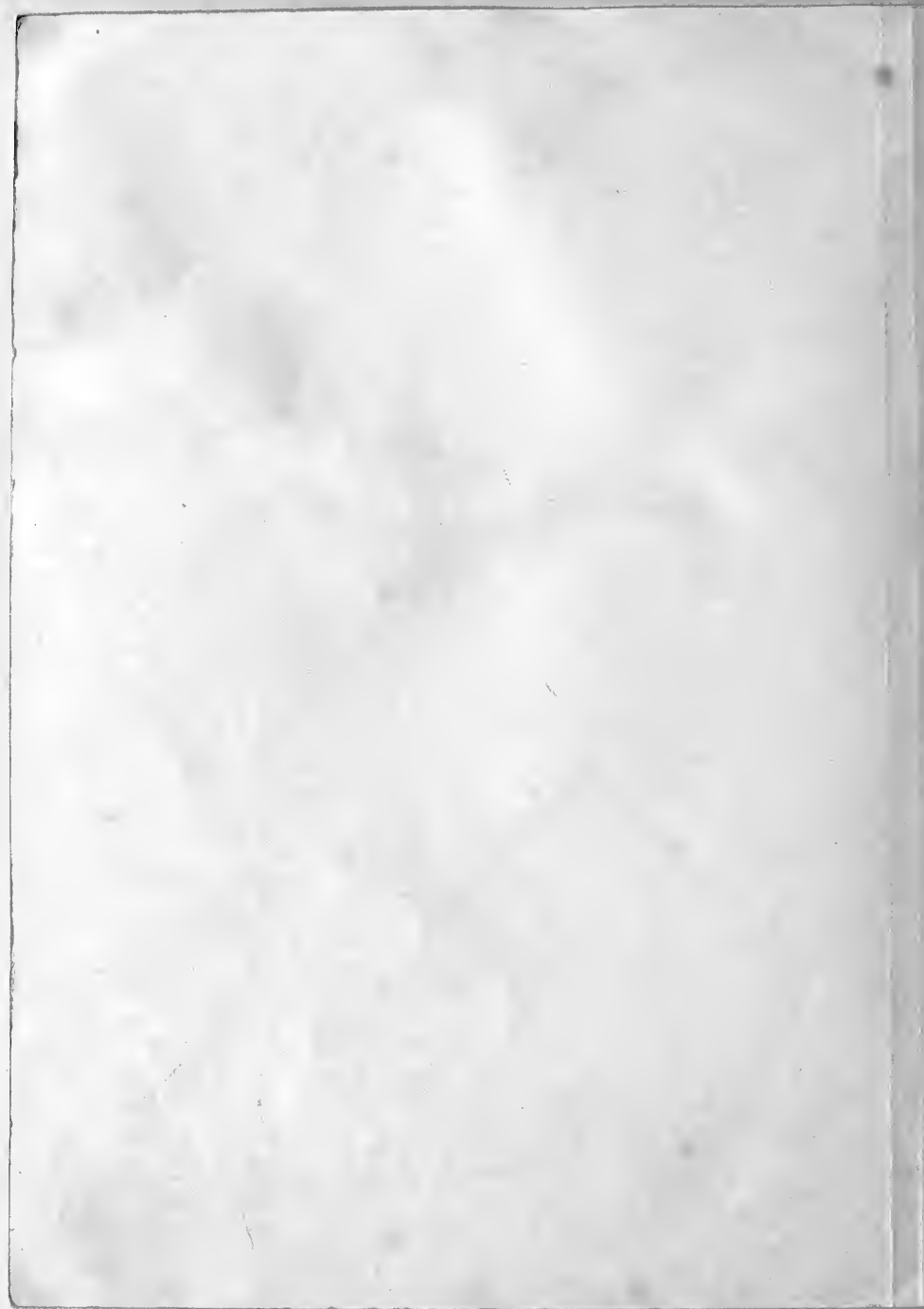
§ I. e., portion marked A in Map XIV. See also Map XIII., page 63, which is a copy of Map LII., in State House, Boston. This survey is similar to the survey that Nathaniel Spencer made in 1803, a copy of which is in the State House, Hartford.

until May 13, 1822,* when Commissioners agreed in all points, as in 1713, with the exception of the Gore at Union. As the northeast corner of Woodstock had extended into Massachusetts one hundred and twenty rods, and the northwest corner forty-eight rods,† a jog had been left in the Colony line between Woodstock and the corner of Union. This was the only point at issue in the report. The jog was corrected in 1826, November 3,‡ when a report was agreed to by both States, and the long-contested controversy with Massachusetts was ended.

* See Map XI., page 59. Copy of Map L., in State House, Boston. This survey is similar to the survey made by Silas Holman in 1821, a copy of which is in State House, Hartford.

† See Map XII., page 61. Copy of plan of Woodstock, in Connecticut State Library in "Town and Lands," vol. vii p. 237 (1762). This map is similar to the map of Woodstock in the State House, Boston, made in 1713, when Woodstock belonged to Massachusetts. See "Ancient Plans" (Town Plans), vol. i. 244.

‡ See Map XV., opposite page. Copy of Map LIII., in State House, Boston.



Enfield

Shaker Village

Somers

Stallford

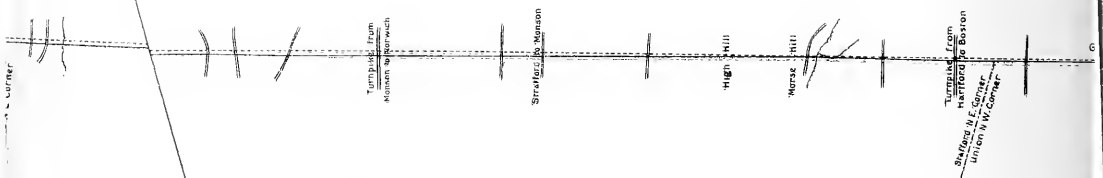
Union

WOODSTOCK

Thompson

The map was made by the U.S. Army Corps of Engineers, District of Columbia, and is a reproduction of the original map made by the U.S. Army Corps of Engineers, District of Columbia, in 1864. The map shows the route of the Erie Railroad from Enfield to Thompson, and the route of the Erie Canal from Enfield to Thompson. The map also shows the locations of the Shaker Village, Somers, Stallford, Union, Woodstock, and Thompson. The map is a reproduction of the original map made by the U.S. Army Corps of Engineers, District of Columbia, in 1864.

The Erie Railroad and the Erie Canal



Stratford

~~Shaker Village
to Longmeadow~~

W.E. Garner Entfield
W.E. Garner Somers

... ..

Back Mouse Movement

-RANIE-SAME: Mountain
'Somers N E Corner

Somers

1

1111

PART IV.

CONNECTICUT'S BOUNDARY DISPUTES WITH
NEW YORK.

CHAPTER I.

DISPUTES BETWEEN NEW YORK AND CONNECTICUT FROM 1664
UNTIL 1731.

THE boundary dispute that Connecticut had with New York was very long, very tedious, and very bitter. The early quarrels with the Dutch, and the provisional treaty of 1650,* have already been spoken of. Soon after the Royal Charter to Connecticut had been granted the King gave, March 12, 1664, a Patent to his brother, James, Duke of York, of an extensive tract in North America, which included "all that island or islands commonly called by the general name or names of Meitowax or Long Island . . . and all the land from the west side of Connecticut River to the east side of Delaware Bay," &c. The receipt of this intelligence filled New England with fear, and especially alarmed Connecticut. A fleet was fitted out in England, and under the command of Colonel Richard Nichols sailed across the ocean and surprised the Dutch. New Amsterdam surrendered, August 27, and the settlement was called New York in honor of the Royal Duke. At the next meeting of the General Assembly, Connecticut † thought it expedient, October 13, 1664, to send Commissioners to New York to congratulate His Majesty's Honorable Commissioners, and to establish the boundaries between the Colony and the Duke's Patent. One agreement was written out and very nearly made, declaring that Connecticut should not come within twenty miles of the Hudson River,‡ but as it did not receive the signatures of the contracting parties it had no force. New York historians, like

* Ante p. 17.

† Connecticut Public Records, 1636-1665, p. 435.

‡ November 30, 1664. New York Colonial MSS., vol. lxix. 4.

Brodhead, are therefore wrong when they declare: "It was well known that it had been settled in 1664 that the boundary should be everywhere twenty miles from Hudson's River." * The agreement actually made † declared that Long Island belonged to New York, and "that the creek or river called Momoroneck which is reputed to be about thirteen miles to the east of West Chester, and a line drawn from the east point or side where the fresh water falls into the salt at high water,‡ north-northwest to the line of the Massachusetts, be the western bounds of the said Colony of Connecticut; and all plantations lying westward of that creek and line so drawn to be under His Royal Highness' government, and all plantations lying eastward of that creeke and line to be under the government of Connecticut." It has been stated § that the boundary line should have started near Stamford, or twenty miles from the Hudson River, and run due north to the Massachusetts line, but there was no phrase about twenty miles written in the agreement really signed, and it appears that Connecticut has been unjustly criticised for the part she took in the agreement of 1664. Yet she yielded everything and gained nothing. The line running north-northwest crossed the Hudson River near Peekskill and touched the boundary of Massachusetts near the northwest corner of Ulster County in New York State. But the boundary was never surveyed, though Connecticut asked New York to join her in 1670;|| and in 1674 appointed a Committee "to runn the lyne . . . from Momoroneck River to Hudson's River." ¶ Though a few settlements were made up the Hudson by Connecticut people in virtue of the treaty of 1664,** yet the agreement was never confirmed by the Crown, and New York refused to abide by it. When the English by the treaty of Westminster again took possession of New York a new Patent was granted to the Duke of York, June 29, 1674, like the one executed ten years before, and he seemed deter-

* See Brodhead's History of New York, vol. i. 253.

† December 1, 1664. New York Colonial MSS., vol. xxii. 5 and vol. lix. 5.

‡ See line A B, Map III., page 17.

§ Brodhead's History of New York, vol. ii. 56.

|| Connecticut Public Records, 1665-1677, p. 144.

¶ *Ib.*, p. 242.

** Connecticut Public Records, 1678-1689, p. 100.

mined to preserve the utmost limits prescribed in his charter.* A copy of the new Patent was sent to Connecticut, and, when submission to it was asked, reference to the 1664 arrangement was made. But this agreement — so the Governor of New York said — was not binding; for even if it had been confirmed the new Patent would set it aside. Connecticut was now said to be in a state of "rebellion." When, a few years after, May 11, 1682, a settlement was made above Tarrytown by a New-Yorker, and warrants for arrests had been issued by the New York Governor for people in Rye, Greenwich, and Stamford, Connecticut objected, and the boundary question was revived.† The Governors of the respective States in long letters to each other explained their rights. New York claimed twenty miles east of the Hudson River, and said the Royal Commissioners had been verbally told by the Connecticut Commissioners in 1664 that the Mamaroneck River was "twenty miles everywhere from the Hudson's River," as credible witnesses could testify.‡ If Connecticut would not allow this, New York threatened that all the territory as far as the Connecticut River would be claimed. The issue of the correspondence was the appointment of Commissioners by each Colony in 1683 to settle upon the line.

They met and concluded an agreement November 28. The Byram River, between the towns of Rye and Greenwich, was established as the westernmost bounds of Connecticut; or from Lyon's Point, at the mouth of the Byram River, up the stream to the wading-place, thence north-northwest eight English miles, thence twelve miles eastward parallel to the Sound, and thence in a line parallel to and twenty miles from the Hudson River north to the Massachusetts line.§ As the first part of the above bounds brought a part of Connecticut less than twenty miles from the Hudson River, it was further agreed that New York should receive from Connecticut along the remainder of her western boundary as much territory as Connecticut took from

* "Boundaries of the State of New York:" letter of Duke of York to Governor Andros; New York Colonial Documents, vol. iii. 230, 235, 236, 238.

† Report of New York Boundary Commissioners, 1857, p. 42, 43, 105, 106.

‡ Connecticut Public Documents, 1678-89, p. 329.

§ New York Colonial MSS., vol. lix. 10. Connecticut Public Records, 1678-89, p. 330. See Map III., page 17, and Map XVI., page 74.

New York at Greenwich and along the Sound. This agreement deprived Connecticut of Rye, a fact that was severely felt by the inhabitants of that town. In the tract along the Sound, Connecticut to-day has Greenwich, Stamford, Darien, New Canaan, Norwalk, and part of Wilton, to which New York yielded all claim. In return, New York received a strip of territory a mile and three quarters and twenty rods wide along the side of Connecticut, which, as before stated, was parallel to and twenty miles distant from the Hudson River. This land was called the Oblong or the Equivalent Tract,* and was estimated to be about 61,440 acres.

It was perfectly right for Connecticut to continue to exercise jurisdiction over Greenwich and adjacent towns, for she had settled them and they were within her chartered bounds. The fact that they came within twenty miles of the Hudson River allowed Connecticut no less to govern them. What virtue was there, therefore, in the quitclaim that New York gave of these towns, and what right had she to demand in return the Oblong? For giving away something she never possessed she received something to which she had no claim. The so-called "Equivalent Lands" seem then a misnomer.

Part of the survey, as far as the Ridgefield Angle, was made according to the terms of the above agreement, and the Commissioners referred it to the two governments for confirmation and ratification.† Connecticut wished the entire line surveyed, and appointed Surveyors for that purpose,‡ but there is no evidence that it was at that time done. The Governors, however, signed the agreement; but there was a fifteen years' delay before the Crown confirmed it. Meanwhile disorders occurred in Rye and Greenwich.§ Rye was settled by the English, but by the agreement of 1650 was governed by the Dutch. It was claimed by Connecticut in 1662, and formally became a Connecticut plantation in 1665. Until 1683 it was under the jurisdiction of that State, when it was transferred to New York. From 1683 until 1697 Rye's submission to New York was not loyal; and in January,

* See Maps III., page 17, and XVI., page 74.

† October 10, 1684. New York Senate Documents, 1857, No. 195, p. 114.

‡ May 8, 1684. Connecticut Public Records, 1678-89, p. 141.

§ Charles W. Baird's History of Rye.

1697, the town revolted to Connecticut, under whose protection she continued for nearly five years, or until the agreement of 1683 was confirmed* by the King, when Connecticut, much against her own inclination and the wishes of the people of Rye, again gave the town up to the State of New York. It might be added, that, as late as October 12, 1710, Captain Clapp, of Rye, asked Connecticut for a patent of land in the town bought of the Indians, but was refused on the ground that Rye belonged to New York;† and, in May, 1717, Rye petitioned the General Assembly of Connecticut in reference to the boundary dispute between Rye and Greenwich,‡ and was answered that the line had been already settled.

The town of Bedford had also belonged to Connecticut, and by the agreement of 1683 would have been transferred to New York had not the King's death occurred soon after.§ In 1688 Bedford voted to raise money to take out a Patent under Connecticut, which she received in 1697. When Rye and Bedford were threatened by New York, in 1696, Connecticut agreed to protect them, and even assisted in the following year with fifty armed men. But the old agreement having received the approval of William III., Connecticut ceased quarrelling, and proposed, October, 1700, that New York should join with her in "running said line and erecting boundmarks."||

But New York was dissatisfied with the boundary, and refused. After several applications¶ Connecticut finally appealed to the King. New York yielded, and on June 25, 1719, appointed Commissioners to survey the line and erect monuments. The following year, April 2, 1720, Connecticut appointed Commissioners to survey the line "with all convenient speed,"** but as New York delayed to "join them upon that service" Governor Saltonstall again wrote, March 11, 1723, saying that Connecticut "is very desirous [the survey] may not any longer be delayed, since it's necessary for the

* March 28, 1700.

† Bolton's History of Westchester.

‡ Towns and Lands Hartford MSS., vol. iii., document 106.

§ Charles II. died, February 6, 1685.

|| Connecticut Public Records, 1689-1706, p. 335.

¶ 1713, 1718, &c. Connecticut Public Records; Hollister, vol. i. 348.

** Connecticut Public Records, 1717-25, p. 170.

quiet of the Borders and improvement of their lands." But a long and tedious correspondence continued between the two States until 1725, when articles of agreement were made and concluded at Greenwich, April 29, which were substantially the same as the old agreement of 1683.* The survey was partly made when a disagreement arose. The Connecticut Commissioners said that the Oak Trees† marked in 1684 should be considered as a bound-mark, but the New York Commissioners held that the line should be resurveyed to correct mistakes if any had been made.‡ In consequence of this dispute the party broke up after the survey along the Sound had been finished, and the work was left incomplete.

But in 1731 a joint survey was made; and the controversy seemed at last to be settled. The survey was continued from the point where it was left unfinished in 1725, but in marking off the Oblong a mistake was made which has never since been corrected. Instead of surveying the line *IK*,§ the line *PG*, twenty miles distant from the Hudson River, was surveyed, and from this line surveys were made at right angles at 47, 42, 40, 37, &c., eastward a mile and three quarters and twenty rods, where monuments were erected. A line drawn through these monuments was fixed as the boundary between New York and Connecticut. But owing to the hilly nature of the country and the variations of the compass, the line was a crooked one and bulged still farther into the State of Connecticut instead of being straight from *I* to *K* as was intended. Yet for the next hundred and twenty-five years there was no dispute respecting this crooked boundary line. The Oblong, according to the agreement of 1731, was formally ceded to New York. The very day after the agreement was ratified, a Patent was passed in London for the purpose of giving the whole tract to parties in England.|| But the right to hold the lands continued with the old owners, though the British patentees brought a bill in Chancery to uphold their claims.

* New York Colonial MSS., vol. Ixix. 51. Connecticut Private Laws, vol. ii. 1527.

† Or Duke's Trees. See Map VII, page 41.

‡ New York Colonial MSS., vol. Ixix. 53.

§ See Map XVI., opposite page. Copy of diagram in State House, Hartford.

|| Bolton's History of Westchester County.

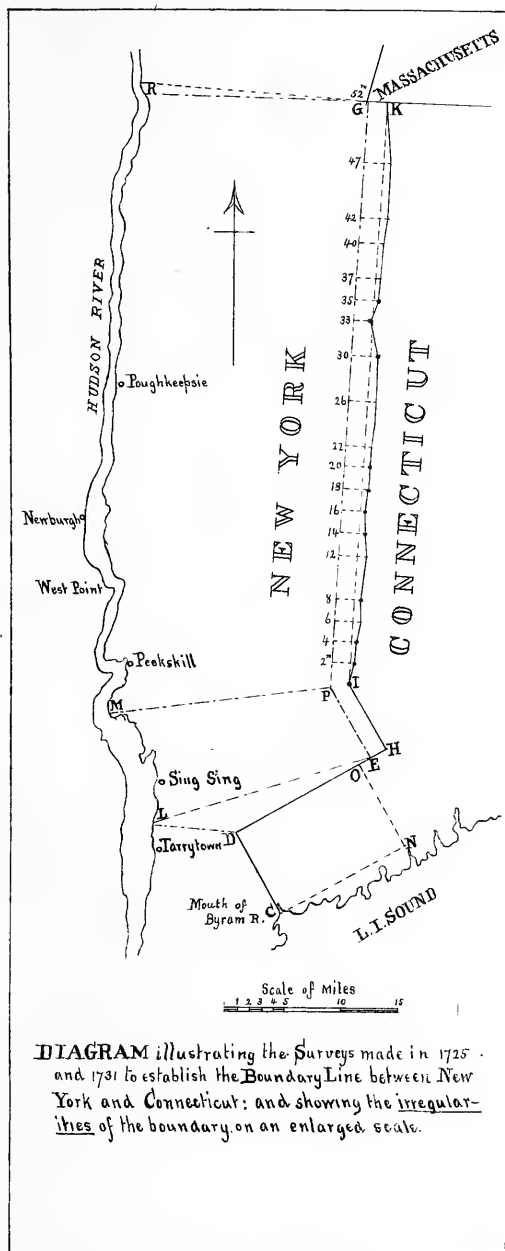


DIAGRAM illustrating the Surveys made in 1725 and 1731 to establish the Boundary Line between New York and Connecticut: and showing the irregularities of the boundary on an enlarged scale.

Office Secretary of State
Hartford, Conn. Dec 5.
— 1781 —
This is a fac-simile of
of an ancient Map, on
file in this Office.

Charles E. Searls.

Sec'y
per. H. Heath
Ass't Clerk.

CHAPTER II.

THE CLAIMS OF CONNECTICUT TO WESTERN LANDS AND TO ISLANDS IN THE SOUND.

IT should be distinctly understood that Connecticut did not mean by the agreement of 1731 to give up all claim to Western lands which according to her Charter extended to the Pacific Ocean. As the Duke of York had claimed as far east as the Connecticut River, it seemed politic to effect a compromise as far as New York was concerned. In the letter that Governor Saltonstall sent to the Board of Trade in London in 1720, referred to in the dispute with Rhode Island, he said : * " On the west New York have carried their claim and government through this Colony from south to north and *cut us asunder* twenty miles east of Hudson's River." † This is proof that Connecticut's claim to lands west of New York was not, as has been said, a new claim asserted in 1754 in connection with the "Susquehanna Company," an association that planted a new Colony with the approval of the General Assembly west of the Delaware River in the Wyoming Valley.‡ Connecticut, despite the protests of Pennsylvania, assumed the jurisdiction of the Wyoming settlement, which was incorporated under the name of Westmoreland, and annexed to Litchfield County. Titles to these Connecticut lands were afterwards confirmed § by the State of Pennsylvania, though Connecticut had been obliged to give up || the right of jurisdiction.

* Dated New Haven, September 14. See copy of letter in Colonial Boundaries, Hartford MSS., vol. i. The original is in State Paper Office, London.

† See also in Map VII. that the so-called western line of Connecticut was claimed by New York as the eastern line of New York ; but such claim was not allowed by Connecticut.

‡ Hildreth's History of United States, vol. ii. 445. 571 ; vol. iii. 471.

§ March 28, 1787

|| November, 1782.

The tract in Ohio on Lake Erie known as the "Connecticut Reserve" also belonged to Connecticut under the terms of her Charter, but was sold in 1795, for \$1,200,000, which sum has since been a fund for supporting the Common Schools of the State. A quitclaim deed given by Connecticut to these lands in 1800 also ended a long dispute regarding a piece of territory along the southwest part of New York State called the "Connecticut Gore."

There has been some controversy between Connecticut and New York regarding the jurisdiction of a few islands in Long Island Sound. New York said that the southern boundary of Connecticut extended along the shore and no farther, and therefore islands along the coast belonged to New York. Fishers' Island, discovered by the Dutch in 1614, was granted by Massachusetts to John Winthrop in 1640, and the grant was confirmed by Connecticut the following year. But the island was included in the Duke of York's patent in 1664, and has ever since belonged to New York. New York attempted about the year 1750 to grant letters-patent for Calves Island near the mouth of the Byram River, but the owner, Joseph Banks, a citizen of Greenwich, protested, and Connecticut now holds the island.* From 1761 to 1765 there was a lawsuit respecting the jurisdiction of Great Captain's Island, and Little Captain's Island,† also near the mouth of the Byram River, which was decided in favor of Connecticut.

It seems that John Anderson, a citizen of New York, owned these islands under a New York Patent, and was sued for trespass by Justus, David, and William Bush, and by John Gregg, all citizens of Connecticut. Cadwallader Colden, the Lieutenant-Governor of New York, asked ‡ Governor Fitch of Connecticut, to settle the dispute by referring it to George III., in his Privy Council. Connecticut refused. But meanwhile the suit against Anderson had proceeded, and the final judgment§ was that the islands belonged to Connecticut. Yet the

* September 29, 1750. New York Land Papers MSS., vol. xiv. 85.

† See Map XVII. page 79.

‡ See letter written February 12, 1765.

§ *Justus Bush et al. v. John Anderson*. Decided in favor of plaintiffs, February 23, 1765. See Records of Superior Court of Connecticut, and Boundaries of the State of New York. Also Blatchford's Circuit Court Reports, vol. ix. p. 41.

dispute again arose, for the Commissioners appointed by New York in 1855 say: "There is also a controversy respecting the jurisdiction over Captain's Island." But Connecticut has never yielded the claims she had to these small islands in the sound near her shores. In 1871 the question was raised regarding the jurisdiction of Goose Island,* a small island lying a mile off Norwalk and about two miles to the eastward of Captain's Island. As a stench had proceeded from the island to the house of John H. Keyser, on the main land, Enoch Coe the owner of the island was sued. The defendant held that the island belonged to New York, and that therefore the Connecticut Judge had no jurisdiction in the case. But New York in fact had never claimed Goose Island, and the judicial decision was that the island belonged to Connecticut.†

* See Map XVII., page 79.

† See Blatchford's Circuit Court Reports, vol. ix. p. 32.

CHAPTER III.

DISPUTES BETWEEN NEW YORK AND CONNECTICUT FROM 1855 UNTIL FINAL SETTLEMENT IN 1880.

A FEW words more should be added about the boundary line between New York and Connecticut. In 1855 as most of the old bound marks had been removed or destroyed, and as the people along the line had been evading the payment of taxes to both States on the ground that they did not know to which State they belonged, it was thought best by Connecticut to appoint Commissioners "to ascertain the boundary line . . . and erect suitable monuments.*" New York appointed Commissioners, and a joint line was run to the last angle,† but from this point fifty-two miles north to the Massachusetts line a difference of opinion arose. The New-Yorkers, differing from the Commissioners of 1725 from their own State when a similar point was raised, thought the old or traditionary line should be found and new monuments placed thereon. But the Connecticut officials said that the old landmarks could not be found, and a new straight line should be surveyed. A straight line was accordingly run, which differed considerably from the traditionary line. The amount of land between the two lines‡ was found to be about twenty-six hundred acres, and the tract at its greatest breadth was forty-two rods wide.§ If the mistake were corrected, Connecticut would gain several hundred inhabitants and a small village, called "Hitchcock's Corners," on the borders of the town of Sharon. New York refused to yield, and the

* Connecticut Resolves and Private Laws, vol. iv. 841.

† See Map XVI., page 74.

‡ Between black and dotted lines from I to K, Map XVI.

§ Report of New York Commissioners, April 10, 1857.

matter rested until 1859, when new Commissioners were appointed by each State. The survey was again made, but Connecticut insisted that the straight line should be the boundary, which was not allowed, and the party broke up as before. The following year New York empowered the Commissioners of 1859 "to survey and mark with suitable monuments the line between the two States as fixed by the survey of 1731." The Connecticut Commissioners refused to join them unless her claims as above stated were allowed, and so New York ran an *ex parte* line, erecting monuments a mile apart.

Still unsettled, the question again came up by Connecticut threatening to contest her claims, and in 1878 and 1879 both States appointed Commissioners to establish the boundaries. An agreement* was made whereby the western boundary of Connecticut was fixed as the *ex parte* line surveyed by New York in 1860, which was the old line of 1731. Connecticut therefore gave up her claim to the twenty-six hundred acres in dispute, in exchange for which her southern boundary was extended into the Sound,† — "beginning at a point in the centre of the Channel, about six hundred feet south of the extreme rocks of Byram Point, thence running in a true southeast course three and one quarter statute miles, thence in a straight line northeasterly to a point four statute miles true south of New London light-house," thence through Fisher's Island Sound, and on "so far as said States are coterminous." The above agreement was ratified by the Legislatures of both States, and Congress, during the session of 1880-81, confirmed the ratification.

* December 5, 1879. Report published by New York in 1880.

† See Map XVII., opposite page. This is the first published map showing the complete boundary lines of the State of Connecticut.

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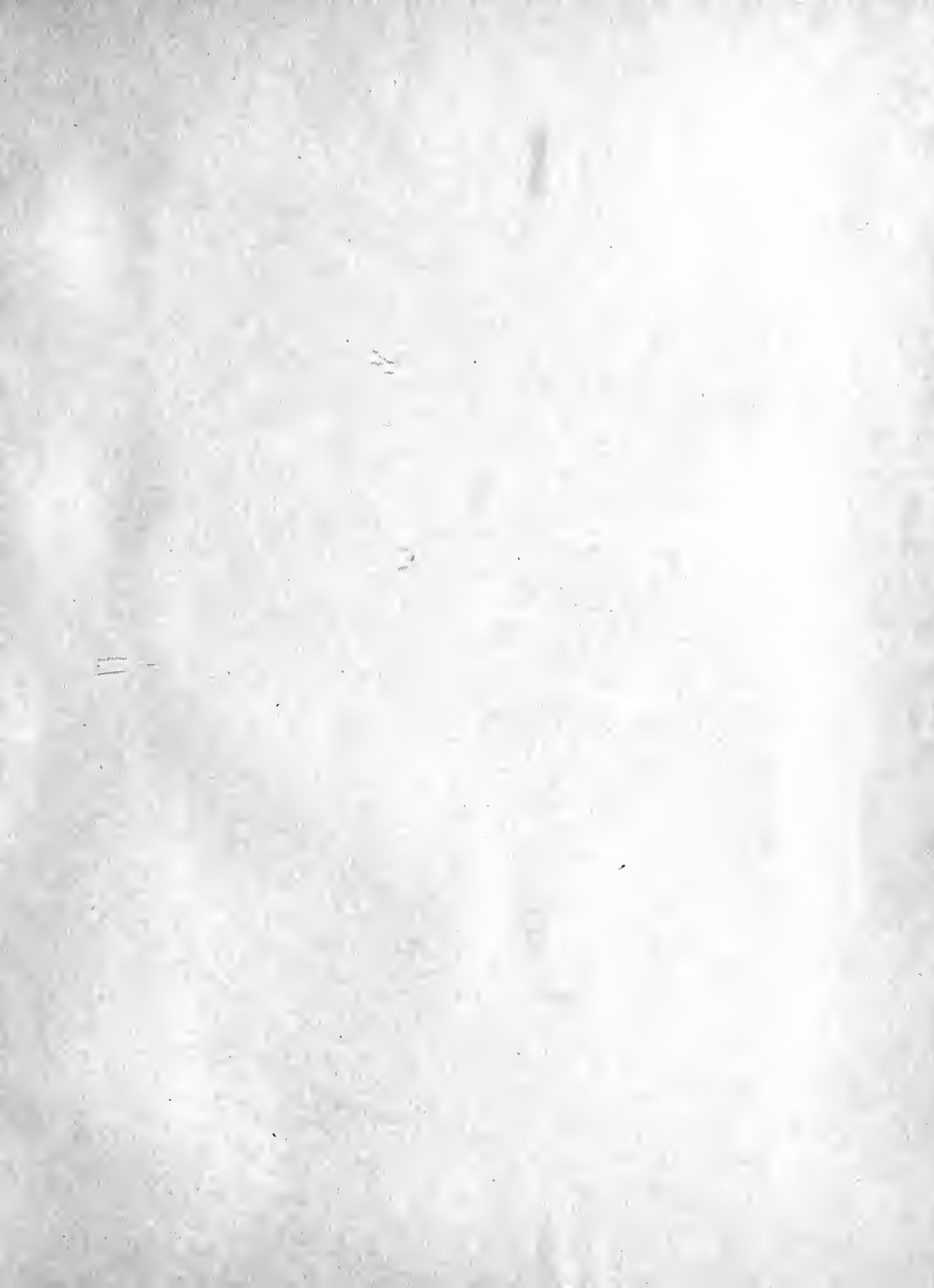
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